

State Formation in Somaliland: Bringing Deliberation to Institutionalism



Photo © Michael Walls, 2007. Meeting tree in Garadag, Sanaag

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I, Michael Walls, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

Signed:

Abstract

There is and has long been great debate over the means and motivations necessary for societal organisation, and most particularly in relation to the establishment and maintenance of governance systems in the context of the nation state. One of the key fault-lines in this discourse lies in the role played by the individual against that of the collective. At the centre of the argument lies a disagreement on conceptions of justice and how these relate to acceptance by the society involved as to the legitimacy or acceptability of the state being established. This thesis aims to examine these arguments with respect to a case study which is at once both highly particular and unusually apposite for that analysis. The case is Somaliland, which is undergoing a transition from a kinship-based system that emphasises discursive democracy to the establishment of an increasingly viable system of representative democracy. That this process has occurred in the shadow of Somaliland's southern neighbour, the erstwhile Republic of Somalia, a country of which the international diplomatic community still insists Somaliland is a part, yet one which is unable to establish a viable system of government itself, adds relevance to the analysis. One of the key periods in Somaliland's transition began in 1990, just prior to the fall of the Siyaad Barre regime at the beginning of 1991, and 1997 when an interim constitution was adopted, ending a final period of conflict within Somaliland. While there remain small if vociferous sections of the population wedded to reunification with Somalia, the successful staging of a series of elections and the fact that renewed widespread conflict has failed to materialise attest to the evident fact that the accommodations reached between 1990 and 1997 enjoy the support of the vast majority of the population. In order to understand the 1990-97 period, though, it is also necessary to examine the complex links between Somalis and the political and social changes that have occurred over the years. This thesis therefore examines the changes wrought by shifting patterns of trade and pastoralism, and in particular those of the colonial era, and in that light examines the 1990-97 transition using a framework synthesised from the theories of the deliberative democracy of John Rawls and the Institutional Analysis of Elinor Ostrom and her colleagues at the Workshop in Political Theory and Policy Analysis. It aims both to interrogate the synthesised conceptual framework and to refine it, in the process examining the case study and attempting to gain an understanding of some of the key elements that have permitted the emergence of a viable system of state.

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List of Abbreviations

AFIS - Amministrazione Fiduciaria Italiana della Somalia

GSL - Greater Somalia League

HDM - Hisbia Digil-Mirifle (Digil Mirifle Party)

HDMS - Hisb al-Dastuur Mustaqil al-Somali (Somali Independent Constitutional Party)

IAD (Framework) - Institutional Analysis for Development (Framework)

IBEA - Imperial British East Africa Company

MOD - Mareehaan Ogaadeen Dhulbahante (clan alliance of Siyaad Barre era)

NFD - Northern Frontier District (Kenya)

NSS - National Security Service

NUF - National United Front

ONLF - Ogaadeen National Liberation Front

SAIS - Società Agricola Italo-Somalia

SDU - Somali Democratic Union

SNC - Somali National Congress

SNL - Somali National League

SNM - Somali National Movement

SRC - Supreme Revolutionary Council

SSDF - Somali Salvation Democratic Front

SYL - Somali Youth League

UNOSOM - United Nations Operation in Somalia

USC - United Somali Congress

USP - United Somali Party

WSLF - Western Somali Liberation Front

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It remains only to state the obvious: while I would have got nowhere without the significant input of those mentioned, as well as many others, any errors are my sole responsibility.

Note on Somali Spelling, Names and Lineages

A standardised orthography was introduced for the first time in Somali in 1972, and I have generally opted to use Somali spelling wherever possible, except that I have replaced the 'c' or 'ayn' sound (as in Cumar - the Somali version of the name Omar) with an apostrophe ('). Thus Cumar is rendered 'Umar. Similarly, the central Somaliland town of Burco becomes Bur'o. I have also replaced the use of 'x' with 'h', so that *xeer* becomes *heer* and the name *Xassan* becomes *Has-san*. Long vowels are retained as far as possible in a form that is consistent with my understanding of Somali. The only deliberate exception in this regard is the word 'Somali' itself, which should properly be shown as *Soomaali*, whereas herein, the spelling 'Somali' is used.

The decision to adopt Somali spelling is retained, however, in cases where an anglicised version is widely known, but where the Somali variant is nevertheless readily recognisable. Such is the case for Muqdisho, which is preferred over Mogadishu.

These were all pragmatic decisions: my preference was to adopt Somali spellings, but I felt that the use of 'c' differed so markedly from the English usage that it was a reasonable compromise for the sake of non-Somali readers to replace it. Having made that decision with regard to the 'c', it seemed sensible to apply the same logic to the use of 'x'. The line is drawn for terms like Muqdisho, where it seems unlikely that readers will be confused by the Somali variant.

One exception to these guidelines arises with regard to the name of a published author in citations and bibliography. In those cases, I have opted for the spelling used in publication so that the publications themselves can be located if desired.

Many Somalis adopt or are given nicknames that then enter popular usage with respect to that person. For example, former Somaliland president and member of the SNM, 'Abdirahmaan Ahmed 'Ali was nicknamed 'Tuur', meaning 'hummock' or 'hunchback', and with reference to his own physical feature. I have tended to show nicknames in inverted commas, although there may well be names which include nickname components of which I was unaware. In such cases, I can only apologise for the inconsistency. Where possible, I have also tried to follow the Somali/Islamic practice of referring to people in order of their names, with each additional name denoting another ancestral link. Thus Siyaad Barre is referred to as Siyaad, General Siyaad or Siyaad Barre, not as Barre. There are exceptions to this too: some people are commonly known by nicknames or by those of predecessors. Veteran northern politician, Mahamed Haaji Ibraahim 'Igaal, is frequently referred to as 'Igaal rather than Mahamed Haaji Ibraahim or Mahamed. I have opted to continue this practice in this instance.

In most cases, I have followed these rules in bibliographic entries as well as in the text. For that reasons, most Muslim and Somali names are listed alphabetically in order of the first letter of their first name. Therefore the noted Dhulbahante leader Garaad Saleebaan 'Afqarshe', who is widely referred to as Garaad Saleebaan ('*garaad*' being a title, not a name and whose nickname is 'Afqarshe') is listed bibliographically under 'G' rather than under 'S' or 'A'. Again, it is impossible to maintain this practice with complete consistency, as some authors themselves use

or accept reference to their publications under the 'western' practice in which a 'surname' is nominated. Where I am aware that this is the preference or practice in a particular instance, I have followed it.

The last point in these notes is to acknowledge explicitly that there is considerable disagreement on lineage, a fact that is also noted in the relevant sections of the text (for example, compare the representation of the *Saab* in Brons, 2001: 19; Lewis, 1998: 3; World Bank, 2005: 55-57). The lineages represented in this thesis reflect the best understanding of the author through extensive primary and secondary research. It is inevitable that my account of these things will differ from that of many who are in a position to know better. However, given the disparities that genuinely exist between Somalis on this matter, some of these differences are simply impossible to reconcile. Nevertheless, in spite of my best efforts, there will also be representations that are erroneous. For those, again, I apologise, and simply hope that neither the mutually exclusive differences, nor the errors significantly compromise the thesis itself.

Note on Maps

In most instances, I have constructed my own maps, using a free (and copyright-free) outline of Somalia provided online, adding administrative boundaries, towns, roads, rivers and other features myself. These maps are illustrative, with all but the country outline itself being my own work. They are obviously not completed to a high level of precision, but I believe that they are sufficiently accurate for the purpose, and in many cases considerably more accurate, or at least more current, than those commonly available elsewhere.

The basis for my own additions to the basic outline are numerous, including several from the excellent resource provided by the donor-funded Food Security Analysis Unit Somalia (FSAU-Somalia or just FSAU) - renamed during the course of the research in March 2009, so now the Food Security and Nutrition Analysis Unit Somalia or FSNAU (FSAU, 2005a, b, c, d, e).

Maps prepared by the United Nations Development Programme Emergencies Unit for Ethiopia (UNDP-EUE) were also invaluable (especially Maps 5 & 6 in Jama Sugule and Walker, 1998).

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Somaliland Mine Action Centre also kindly supplied a copy of their detailed map of villages, towns and cities in Somaliland which helped with the location of a number of significant localities (SMAC, 2007).

Chapter 1. Introduction

Amongst the many options available, two powerful approaches to understanding socio-political organisation show a marked degree of complementarity yet are used to justify frequently opposed theorisations of collective organisation. One is the analysis of institutions that animates rational choice theory, and its companion constitutional economics (Buchanan, 1975; Hayek, 1979). The second is the collection of theories that deal with discursive, deliberative or consensus democracy (Habermas, 1997; Lijphart, 1999; Rawls, 2005).

Both rational choice-based institutionalism and theories of deliberative democracy draw on a wide range of influences and encompass a broad array of interpretations. This thesis more particularly considers Hayekian rational-choice, Buchanan's conception of constitutional economics and the institutional analysis expressed in the form of the Institutional Analysis for Development (IAD) Framework of the Indiana-based Workshop in Political Theory and Policy Analysis (there is a great deal of literature from these authors alone, but a selection includes Buchanan, 1975, 1990; Hayek, 1960, 1979; Ostrom, 1990, 2005, 2008). With respect to deliberative democracy and its application in state formation, a philosophical grounding is provided by Jürgen Habermas and John Rawls (Habermas, 1997; Rawls, 1971, 2005).

Both perspectives deal with institutions in the sense so succinctly defined by North as 'the rules of the game' (North, 1990: 3), as well as the incentives motivating individual and collective action. However, each draws on widely divergent normative assumptions, and they arrive at different conclusions. The primary underlying variance between the two lies in the conception of the place of the individual and their consequent understanding of 'justice'. The rational choice tradition emphasises the individual as the sole or primary unit of analysis and the basis for an understanding of a just society, while deliberative theorists extend the concept to include a collective understanding of both.

This thesis will consider a means of conceptualising an integration of the two for use in examining a particular case of what can tentatively be termed 'constitutional emergence'. In recent years, a number of theoreticians have proposed a combination of the two schools of thought (Aaken et al., 2004; Heath, 2003; Lütge, 2002; Schofield, 2000), so the aim of this thesis is to contribute to the furtherance of an existing line of enquiry.

The argument employed is that a rational choice approach is most valid at what the IAD Framework describes as the operational and collective-choice levels, while deliberative theory functions more effectively at the meta-constitutional and constitutional levels. These levels represent the points at which specific decision-making processes are situated, so we refer to them as 'situational levels' (see *Figure 1: Levels of Analysis and Outcomes* on page 29). On the basis of that logic, the collective-choice and operational levels are together designated the 'instrumental sphere', while the meta-constitutional and constitutional levels are taken to operate within the 'constitutive sphere'. This supposition finds support in the political constructivism of John Rawls and consequently it is his theorisation of public reason that is used most extensively.

The thesis suggests that the addition of a theory of the relationship of resources to these situational levels in the IAD Framework, combined with an understanding of the most appropriate conceptions of decision-making at each level is sufficient to provide the basis for a framework for analysis of constitutional emergence. Conversely, the particular formulation of the Action Arena, which constitutes an additional element of the IAD Framework, is found to be less useful at the meta-constitutional and constitutional levels. While its specification as descriptive of the situation in which individual 'participants' interact chimes with the idea of situational levels, the functioning of the action arena itself becomes unwieldy when pushed up the 'levels' into the constitutive sphere, where collective deliberation is held to predominate. At this level, the thesis argues that the action process should be seen as a function more closely resembling the process of public reason identified by Rawls (2005: 214) than as individualist negotiation and decision.

The idea of constitutional emergence is essentially consistent with a process of state formation, but emphasises the element in that process that is enabled from within the polity itself. To that extent, the thesis argues that the evolution of a constitutional system in post-conflict or other situations in which the constitutional foundations are undergoing fundamental change can occur either in the absence of, or in tandem with, the intervention of an external agent. Indeed, a central assumption is that an element of autonomous emergence is required if the state is to gain the degree of legitimacy required for viability in the long term.

More particularly, the thesis argues that a composite meta-constitutional resource named *liberty, justice and stability* supports the evolution of constitutional resources which include the formal and informal bases for the institutions of state.

As well as boasting a lengthy history, the debate over whether these institutions of state are able to emerge from within a society, or whether they must be imposed by an external agent is topical. This is particularly so in the discourse on state-formation and nation-building in post-conflict situations. Jeremy Weinstein noted in 2005 that much contemporary thinking on appropriate reactions to collapsed states is based on a barely challenged assumption that "...collapsed states will not emerge from internal crises on their own ... [and] that intervention – in the form of mediation, peacemaking, and peacekeeping – is a necessary, if not ... key, instrument" (Weinstein, 2005: 3). This assumption underlies much of the thinking on the subject put forward by proponents of what might be described as a 'failed states paradigm' which dominates a section of the literature on state formation and development. The failed states approach holds that such polities tend to be "... tense, deeply conflicted, dangerous and bitterly contested by warring factions ..." and "... hospitable to and harbouring non-state actors – warlords and terrorists" (Rotberg, 2002: 85). External intervention is therefore justified both in the pursuit of the security of neighbours and those further afield, and in an effort to 'rescue' the inhabitants from their peers. However, the notable lack of success that characterises many prominent efforts at internationally-sponsored nation-building lend considerable urgency to attempts to understand the causes of success and failure.

The process of state formation is unquestionably complex and requires a congruence of contextually appropriate factors. Perhaps the greatest pitfall is to suppose that a 'model' of collective human behaviour, even in the context of such an apparently specific endeavour as state formation, can reasonably be developed that will serve adequately in diverse situations. Individual and collective motivations take a wide range of forms, including but not limited to individual self-interest, collective identification, altruism and so on. It is therefore impossible for a thesis such as this to propose a framework that is in any sense complete and universally applicable. However, an adaptation of the IAD's levels of analysis is proposed as a useful starting point for the synthesis of the elements of constitutional economics and deliberative theory that has been mooted by others.

The research project then seeks to apply that adapted framework in the analysis of a specific case study. The case in question being Somaliland; internationally seen as a corner of Somalia, which is in turn considered "... the very definition of a failed state" (Kaplan, 2006).

In the months leading up to and following the infamous 'Black Hawk Down' debacle in October 1993, media interest in Somalia peaked with portrayals overwhelmingly focused on state collapse and anarchy brought about by internal conflict between Somali clans. The image portrayed by Time Magazine in late 1992 was typical, claiming that "... limited natural resources and internal disputes have historically kept stability at a distance, and the clans of Somalia have regularly battled one another into a state of anarchy" (Gregory, 1992: 24). Shortly after the Battle of Muqdisho, otherwise popularly referred to by the title of the Ridley Scott-directed movie mentioned above, a prominent prophet of doom described Somalia as characterised by "less and less politics" as the state continues to fail (Kaplan, 1994: 17).

Somaliland makes an apposite case study precisely because it represents a strong counter-argument to this preoccupation with state failure and corrective external intervention. Somalilanders have succeeded in establishing a degree of stability and a weak but functioning state precisely by incorporating elements of clan structure and tradition, while successive transitional governments in the rest of Somalia have lurched from crisis to crisis in spite of enormous international backing and active involvement. For some commentators, Somaliland represents not just an exception to an otherwise consistent picture of Somali cataclysm, but potentially "... a first indigenous modern African form of government [entailing] a fusion of traditional forms of organisation ... within a democratising framework ..." (Kibble, 2001: 17).

Even in the south, cartoonish portrayals of meltdown, while superficially supported by events, tend to grossly misrepresent the situation, again confirming the importance of an understanding of both successes and failures in the area. Failure to appropriately interpret the situation can hardly be more pronounced than when attention is focused on the perceived threat of terrorism. The US State Department's 2005 assessment was that "[p]arts of Somalia, which has no functioning central government, have become havens for terrorist and other illicit activities, threatening the security of the whole region" (Office of the Coordinator for Counterterrorism, 2006: 18); a position which has changed little since, with the latest report noting that the territory is "... an at-

tractive location for international terrorists seeking a transit or launching point for conducting operations in Somalia or elsewhere ..." (Office of the Coordinator for Counterterrorism, 2008: 24). This in spite of the fact that, in the words of the International Crisis Group "[t]he most remarkable feature is that Islamist militancy has not become more firmly rooted in what should, by most conventional assessments, be fertile ground ... [a situation that has arisen] because of Somali resistance - not foreign counter-terrorism efforts" (ICG, 2005: i). It seems reasonable to the author to suggest that, over the long term, this misdirected focus on terrorism has actually contributed tangibly to the creation of an environment which has recently become a relatively more fertile base for such activities. That is an observation which is addressed peripherally at several points through the thesis, but which is mentioned here primarily because it demonstrates, in terms that chime resoundingly with contemporary concerns, the folly of too shallow an analysis of a very particular situation.

Many in the international community fully acknowledge the importance of a legitimate and viable system of national governance for Somalis (for example, see Quaranto, 2008: 14; Menkhaus, 2008: 13): a point on which most Somalis would readily concur (this is amply supported by the author's own research, and by numerous commentators - see, amongst others, ICG, 2005: i). There is considerable evidence in the south, however, of the sustained failure - indeed, the counter-productivity - of many of the external efforts at state-building. Again, strong local and international recognition combined with sustained and repeated failure in international efforts to promote a state-building agenda in Somalia, underline the importance of gaining an understanding of situations in history and in contemporary Somali affairs in which state failure and collapse are not the dominant themes.

That understanding must take in many angles, and it is not sufficient to focus on addressing the undoubted deficiencies of existing state-building exercises without also challenging the premises on which they are based. For example, David D. Laitin and James D. Fearon, while critical of "... the largely ad hoc arrangements for peacekeeping and 'transitional administration' as they evolved in the 1990s ..." (Fearon and Laitin, 2004: 7), seem not to recognise any possibility for endogenous resolution of the root causes of state collapse. This in spite of the fact that Laitin himself has contributed some seminal work on the Somali situation specifically (see Laitin and Said S. Samatar, 1987; Laitin, 1976, 1977a, b). In spite of this, in his paper with Fearon, he offers only the briefest of comments on "... the two nonrecognised rump states of former Somalia (called the Republic of Somaliland and the Republic of Punt) ...", making no mention of the indigenous peace processes that had by the time of his writing occurred in those territories, yet excoriating the international community for "... underfunding and understaffing ..." their activities in Somalia and elsewhere (Fearon and Laitin, 2004: 7 & 39). That approach essentially examines and criticises failure while remaining blind to successes close at hand.

This thesis and the supporting research programme aims to contribute to a more balanced analysis by accomplishing two things: firstly to gain an understanding of the precedent and potential in Somali history and culture for a process of constitutional emergence; and secondly to exam-

ine the specific sequence of events that occurred in Somaliland between 1990 and 1997 and to examine them in the light of the selected and adapted theoretical framework.

This approach takes as an essential element a concern with gaining a deep understanding of the cultural and historical 'specificity' (Mamdani, 1996: 294) of the Somali situation before attempting to isolate the factors that are unique to Somaliland. This requires that the research process tackle the history of social and political organisation in the Somali context at some length; a task that draws predominantly on secondary literature. Following Mamdani, the premise is that only within the context of an understanding of such socio-cultural and historical specifics can the more time-limited occurrences in Somaliland within the period of study be appropriately analysed.

The portion of the case study relating to Somaliland between 1990 and 1997 is based largely on primary research, augmented from secondary sources. A total of some 65 individuals participated in the research in the context of individual interviews, group interviews, facilitated discussions and through follow-up in person, by email and by telephone. The author worked with two other Somali researchers, with the outputs of the research also being written up as a separate documentary report (Walls et al., 2008). The research was subject to an extensive peer review process, and has thus far generated a number of conference, journal and briefing papers (Kibble and Walls, 2009; Walls and Kibble, 2010; Walls, 2009a, b, c, d).

One of the themes that recurs throughout the analysis is the struggle between the 'modernising' impulse and the importance of tradition. One element in this is the role played by the colonial powers in pushing ahead with a 'civilising' mission that set itself up as legalistic and individualistic against the tribal and collective traditional. Mahmood Mamdani described the system of indirect rule that was employed by the British in particular in an effort to subjugate without extended financial investment as 'decentralised despotism' (Mamdani, 1996: 37-61), and that is certainly a feature of the colonial era in Somaliland. However, the tribal/modern duality recurs as a theme through many eras, including the debate within Somali circles through the ages as to how governance 'should work'. It is a theme that reworks itself at a number of points into an argument over the role of religion, in which Islam has tended to work as the vehicle for a modernist agenda, employing creed as the basis for a rallying call for nationalism and unity against the traditionalist discourse that seeks political and social reconciliation through the mechanism of a segmentary kinship system. The issue of individualism and collectivism is equally complex, and permeates the various modernist/traditionalist discourses. Somali society at once places a high premium on individual autonomy and clan affiliation and decision-making. This is not usually an uncomfortable accommodation, although it can lead to difficulty in negotiating the systems of the nation-state, including both representative democracy and autocracy.

At their highest levels, these are patently debates which take place in the constitutive sphere, and the Somali case study provides opportunity for examination of each in the context of the framework adapted and employed.

To return to Mamdani, one of the key conclusions from this analysis is much as expressed in his 1999 paper on indirect rule, where he noted his opposition to the received notion that “the persistence of ‘tribalism’ testifies to a cultural lack, being the absence of a civic and democratic culture ... [arguing instead] that political identity is generated both by the institutions that undergird a historically specific form of power and by the resistance that each form of power tends to generate ...” (Mamdani, 1999: 884).

This thesis does indeed argue that any attempt to understand the potential for state formation in Somali society must first understand the dialectical debates of Somali culture in which individualism and collectivism sit in counterpoint to each other, as do the mysticism of the Qaadiiriya *tariqa* and the purity of the Salahiyyist; the modernist impulse and the traditional; and even the African against the Arab and Islamic. There is evidence that, rather than being marked by a congenital antipathy to the centralised state (see Said S. Samatar, 2003: 29), there is potential for such a state to emerge, and that that potential seems to be maximised not by the intervention of powerful external agents, but by the fostering of indigenous institutions. That is hardly a shatteringly innovative suggestion: the research and analysis presented here merely confirms the views of a string of commentators, of whom Mamdani is but one. What is far more astonishing is that the practice of state-building continues to ignore those observations so systematically, and nowhere more than in Somalia.

This endeavour is at once both highly specific to Somaliland and the Somali territories, and also pertinent to the theoretical understanding of state formation. We began this introduction with a brief comment on some of the strands in this discourse, and we will now return to the theme. While the differing schools of thought are diverse, two themes tend to present themselves. A sustainable system of government (in our context, a constitutional regime) could perhaps be based on one of two options. Firstly, a sovereign power could, through invasion or by detaching themselves from the citizenry they presume to govern, impose such a regime on a population either willingly or unwillingly subjugated. Secondly, it might be possible for a primarily endogenous process to support the emergence of a system of state based on local institutions. This second possibility is denied by many, but Somaliland has been selected as a case study precisely because it seems to be an unusually apposite study of such ‘spontaneous’ emergence.

This thesis therefore represents an effort to understand whether the Somaliland experience does accord with such a conceptual model, and to examine some of the institutional arrangements that have led to the socio-political accommodations, and more specifically the constitutional regime that was established up to the adoption of an interim national constitution in 1997.

We conclude that the early perception was correct insofar as the predominant constitutive processes in Somaliland were indigenous, and that the resultant constitutional regime can be considered as having emerged spontaneously, as defined in the thesis. We also identify a number of key elements which, on the basis of research, constitute key institutions in the constitutive sphere, and use these findings to re-examine the adaptations made to the framework itself.

While any case study analysis is specific to the case itself, the effort to relate this research back to a framework contributes a significant element of 'generalisability' to the project. While the Somali context is obviously particular and the Somaliland instance an extraordinary example of indigenous institutional development, the case nevertheless offers many clues as to the processes that societies must negotiate if they are to overcome conflictual circumstances and make a transition to a more just system of governance.

We tackle these tasks, by looking next (Chapter 2) at the theoretical background summarised above. That chapter is divided into four sections: the first reviewing the theoretical literature; the second the deliberative/institutionalist framework and its adaptation; the third states the purpose of the research itself; and the final section in the chapter outlines the key research questions.

Chapter 3 explains the methodology employed in the research.

Chapters 4 and 5 are devoted to the two sections of the case study. Firstly, we review the foundations for systems of governance provided by Somali social and cultural institutions, before turning our attention to the historical and geopolitical context in which those institutions have evolved and been applied. In Chapter 5, we turn our attention to the Somaliland case between 1990 and 1997.

Chapter 6 concludes the thesis, presenting the research findings in the context of the adapted framework. It finishes with a number of concluding comments.

Chapter 2. Theoretical Background

2.1 Literature Review (Theoretical)

In interrogating the literature on this subject, we need a logical entry point for our discussion. In this case, that is found in one of the primary fault-lines that runs between two of the schools of thought which support the possibility that the emergence of what we will later define as a 'constitutional regime' can occur spontaneously. In other words, the two schools which we will examine first have in common a view that a process leading to the establishment of a particular, stable system of government without necessarily requiring the coercion of a dominant sovereign. This hypothesis in its turn marks a division between differing schools of thought on state formation, and our examination of the literature must review arguments at this level as well.

Back to the entry point, though, the approaches of the two schools with which we will start differ over their conceptions of two key points: firstly, the role that individual and collective units play in making decisions on constitutional issues. For some, the only appropriate unit of analysis is the individual, while for others the constitutive process is essentially collective and cannot be seen as a purely individual endeavour. The second point arises directly from this and takes the form of a disagreement over the definition of justice. At some level, it is necessary to acknowledge some definition of justice if one is to distinguish a 'good' system from a 'bad' one, and for those who see the individual as the main or only point of analytical reference, justice must consequently be defined with respect to the individual. On the other hand, it follows that a collectivist school will tend to concern itself with questions of social justice.

2.1.1 Individual and Collective Justice

Our theoretical perspective starts with an examination of the work of Hayek and Buchanan on the rational choice side, and Habermas and Rawls from the perspective of deliberative democracy and as noted each of these theoretical positions revolves around a conceptualisation of both individual and collective action that is based on a contrasting conception of justice. The foundation of a Hayekian view is that the most fundamental measure of justice lies at an individual level (Hayek, 1976), while discursive approaches tend to emphasise a collectively defined conception of 'justice as fairness' (Rawls, 1971), with fairness defined in terms of the application of norms that any reasonable person could agree to as a result of rational discourse (Habermas, 1997: 107). This deliberative definition of justice supports an emphasis on the 'common good' which considers the benefit "of all its members and of society as a whole" (Rawls, 2005: 109), while the individualist rejects any notion of collective justice as "wholly empty" (Hayek, 1976: 100).

This is chosen as the starting point for this discussion for the simple reason that each school ultimately reflects in its analysis, and therefore its predictions, a specific ontological view. In both cases, the normative understanding that arises is critical in supporting its conclusions, yet both views adopt a similar lexicon and offer insights that are valid and valuable with respect to state formation, and the wider issues of social, economic and political development. Neither per-

spective avoids making a subjective moral judgement, although deliberative theory tends to display that subjectivity more openly. Rawls, for example, acknowledges that his view of justice “may seem weak” but is necessary nonetheless (Rawls, 2005: 109). Rational choice theories, on the other hand, tend to suffer a problem of infinite regress where “... a process is good to the extent that it is in accordance with rules that are the outcome of a ‘good process’” (Vanberg et al., 2004; Vanberg, 1994: 214)¹.

This is precisely the point at which the normative strength of a standpoint such as deliberative democracy is useful: it helps us to escape the circularity of Hayek’s argument that social justice is a mirage simply because it cannot be equated with a ‘value’ and methodological individualism as strict as his own (Hayek, 1976)².

Indeed this disagreement on the appropriate analytical unit³ represents a second critical element in this discussion. The logical base for Hayek’s overwhelming faith in the ‘spontaneous order’ of market-like institutions is a belief in the individual as the only valid unit of analysis. Because the individual offers a relatively neat unit (that is to say, methodological individualism represents a convenient basis for empirical study), rational choice-based theories constitute a powerful approach to the analysis of individual actions. Predictive capacity is also strong with regard to group behaviour where there is a clear instrumental link between the action in question and the outcome being pursued. The tools of institutional analysis, including game theory, therefore provide a useful means of estimating likely group behaviour with respect to actions such as voting. When there is a fairly clear link between collective action and individual advantage, an approach premised on the (boundedly) rational and utility-maximising individual tends to prove a reliable predictor.

It is perhaps inevitable that such an approach will prove less successful in explaining why individuals work together to achieve outcomes that will disadvantage some group members for the overall advantage of the collective. The process of determining the rules under which future activities will be conducted tends to require individuals to work towards collective goals which they cannot be sure will benefit them as individuals in just such a manner. Norman Schofield echoes this concern with specific reference to the formation of the rules of political activity when he states that he does not consider formal, non-cooperative game theory or cooperative theory, both of which are variously associated with a rational choice approach to the transformation of political institutions, “... to be equipped, as yet, to study the meta-institutional game ...” (2000: 283).

¹ *It must be noted that Vanberg employs this criticism as a proponent of theories that are in accord with rational choice, in a critique of those who hold that some form of social law based on ‘natural justice’ is tenable. This thesis essentially argues the reverse.*

² *Max Weber expressed a similar concern when he warned that “it is a tremendous misunderstanding to think that an ‘individualistic’ method should involve what is in any conceivable sense an individualistic system of values” (Weber, 1978: 18).*

³ *The terms ‘unit of analysis’ and ‘unit-act’ - the latter of which is drawn from Talcott Parsons (1949: 43-48) - are used synonymously throughout this thesis.*

If a workable definition of 'altruism' is formulated along the lines of "...the gift of money, time or some other commodity or service contributing to the ... well-being of another without obligation and without the expectation that some future [individual] benefit is dependent on the present action ..." ⁴ (Kennett, 1980: 184), then the collective act of agreeing the rules under which a given society might coordinate their actions tends to display some characteristics that appear similar to altruism. Individual members of a society work to agree rules that will inevitably disadvantage some in the long term in the interests of the group as a whole. An objection to this interpretation might be that the recipient of the 'gift' at the centre of an altruistic act must be known to the giver, or if not a known individual, then at least an individual who could somehow be identified if enough energy were expended in undertaking such a task. Alternatively, perhaps the individual contributing to the creation of collective order does so in the hope of gaining personal advantage. In either case, one might use a rational choice argument to support the case that the individual acts only in the pursuit of personal utility, meaning the act cannot be regarded as truly altruistic. Perhaps satisfaction in the belief (or hope) that their act is contributing to the well-being of one they are convinced is less well off than themselves; to a sense of higher self- or social esteem; or to a hope of future tangible reward is sufficient for such an act to be described as 'egoistic' rather than 'empathic' (Batson and Shaw, 1991).

Egoistic altruism would not necessarily undermine the theory that all actions can be explained as those of the utility-maximising individual, and there is little doubt that such motivation must play a part in collective action. However, even a superficial consideration of collective action generates a wide array of examples in which individual motivation is not wholly explained by personal self-interest. Social norms relating to kinship, religion and culture influence individual action in manners that are frequently not in the interests of the individuals who actively participate. Of course, many of these social norms are enforced through peer pressure, which still allows an argument that the conformity of the individual can be seen as egoistic even where that conformity incurs a cost to them directly, as it will also increase social standing or avoid social sanction. In the opinion of the author, the Somali case study examined in this thesis illustrates some instances in which this doesn't seem to wholly address the issue, but in general, generating robust empirical evidence as to personal motivation is extremely difficult, and this thesis does not attempt to do so.

The case is therefore made only in theoretical and illustrative terms that collective action in designing the meta-institutional rules for complex groups cannot adequately be explained solely in terms of the rational, utility-maximising individual however the nature of either rationality or utility maximisation might be adjusted. Indeed, the more profound problem may be that individual action explained as egoistic through the presence of collective social pressure itself points to

⁴ The author states that altruism must contribute to "... the economic well-being ..." of the beneficiary. The word 'economic' has been omitted in this case, as it seems unnecessarily narrow. Kennett explicitly bases his definition on that of Auguste Comte, who referred to "...an unselfish desire to 'live for others' ..." (cited in Batson and Shaw, 1991: 108, so the specification that benefit must be economic weakens the definition.

the need for a unit of analysis that incorporates an understanding of the collective as a body in its own right at some levels. If the individual is sufficiently peripheral to a given process of social organisation that the 'collective will' and the sanctions available to that collective are sufficient to compel individual members to act in ways that benefit the group and not the individual concerned, then that collective is exercising an ability to act in concert that is not adequately explained through analysis only of its individual members.

This point is critical to this theoretical review, and can be examined more thoroughly through an analysis of the positions associated with constitutional economics and its rational choice-based variants, all of which adhere closely to just the type of individualism critiqued above. Pre-eminent theorist James M. Buchanan, for one, with his co-author Gordon Tullock, was explicit in stating a view that is wholly consistent with the rational choice conception described when he calls for "... a purely individualist conception of the collectivity. Collective action is viewed as the action of individuals when they choose to accomplish purposes collectively rather than individually, and the government is seen as nothing more than the set of processes, the machine, which allows such collective action to take place". The primary motivation for such acts of cooperation he accepts as 'mutual individual advantage' (Buchanan and Tullock, 1962: 13&18).

Buchanan's faith in the explanatory power of rational individualism is clearly profound, but seems fundamentally incomplete. The process of agreeing the terms of collective engagement, tends to be lengthy and unpredictable. Considerable effort is typically expended on a process in which the probability of personal gain seems rather remote. Indeed, for reasons that relate to the complexity of the group in question, and the unpredictability of the process of cooperation, yet working in a similarly individualist vein, Mancur Olson examined the theoretical dynamics of groups and the motivations of individuals more specifically and came to the conclusion that large groups of individuals, including those composing a polity or society, would not tend to collectively organise themselves even where they share apparent common interests (Olson, 1965).

Olson considers that "... coercion [is required] ... in attempts to provide collective goods to large groups ..." (Olson, 1965: 13 & 71). While superficially consistent with a Hobbesian perspective on coercion, Olson is clearly at odds with Hayek's view that social order is better left to a political variant of Adam Smith's 'invisible hand' (Hayek, 1979), a view that Buchanan accepts. For Hayek, no external 'designer' of social order could successfully grapple with the intricacies of a group as large and complex as a society. In constancy with his views, Hayek was a vociferous campaigner against totalitarian leadership. For him, 'system design' is an 'artificial' process, and can only offer the most efficient means of organisation when the designer is able to effectively grasp all aspects of the object of design. In such a case, "... a unitary hierarchy of ends, an arrangement or organisation (taxis)" is possible. Small or medium-sized businesses, along with other artefacts such as chairs or computers might be subject to design, but complex systems such as states require "... knowledge dispersed among and accessible only to thousands or millions of separate individuals, [meaning that] the use of spontaneous ordering forces (cosmos) will be superior [to taxis]" (Hayek, 1978: 76). A coercive sovereign, unable to grasp the com-

plexities of the social system they must 'design', will inevitably act in an 'arbitrary' fashion, in the process abandoning the "... great principles known as the Rule of Law" (Hayek, 2001: 75).

While there is much to be gained from Hayek's analysis, the problem lies in the fact that his position is so utterly 'Manichaeian' in approach: there seems to be no ground in his analysis for any situation that lies between the individual and the collective as a system of social organisation. He therefore conflates 'collectivism' with 'socialism' and 'communism', rejecting all three as 'totalitarian' in favour of an extreme view of individualism. For him, "there is literally nothing which the consistent collectivist must not be prepared to do if it serves 'the good of the whole', because 'the good of the whole' is to him the only criterion of what ought to be done ..." (Hayek, 2001: 151). The argument behind this thesis is that there is in fact a great deal the consistent collectivist would not do, precisely because that collectivist is simultaneously both a member of one or (almost certainly) more collective units, and a utility-maximising and boundedly rational individual. Any analysis that is to advance on the arguments summarised thus far needs to allow for elements of both, working in different contexts.

Perhaps the answer to the dilemma lies within the analysis itself. Situations in which the designers are active participants in a dynamic system conform more closely to Hayek's definition of cosmos than taxis. That doesn't make the process of design any less conscious, but it does remove the requirement for a coercive 'external' agent. Constitutional design, which Hayek describes as an inappropriate effort to create taxis, should more correctly be seen as a possible component in the emergence of spontaneous order: individuals consciously engaging in the creation of a collective system, in which both they and the full package of institutions, including moral and collective norms, are integral to that cosmos (the point was made cogently in Khalil, 1997).

Vincent Ostrom also captured the concept in a manner that was very specifically pertinent to this discussion when he stated that "[o]rganisations, whether commonwealths, administrative agencies, or any other form of human institution are works of art in which human beings function both as their designers and creators, and as their principal ingredient" (Ostrom, 1980: 310). Although Thomas Hobbes famously prefigured Olson's view that coercion is necessary for the continuation of a system of government, he too nevertheless held that the initial acceptance of a sovereign involved a deliberate, single collective act of 'authorisation' of that sovereign (Hobbes, 1996: 115).

For a system of political organisation to emerge within a given society, a hypothetical conclusion must be that a conscious collective act is required, the motivation for which might require elements of individual self-interest and coercion but is fully explained by neither. The necessity for such an act is clearly recognised by Hobbes, and developed substantially by Jean-Jacques Rousseau and John Locke in the form of a hypothesised social contract. It is a theme picked up also by John Rawls in an effort to introduce an alternative conception of human organisation to that offered by utilitarianism in its various forms. This idea of a conscious decision to accept, and perhaps to have a hand in designing, the rules that govern a society offers a useful entry

point for an examination of the process of state formation and constitutional 'design' that is the central focus of this thesis.

It is useful to note, given the Sunni traditions of the Somali case study we will be reviewing later, that Islamic tradition also employs a conception of the social contract. In Sunni theory, the ruling caliphate (*khalifat*) enters into a contract (*'aqd*) with the populace (*ahl al-hall wa al'aqd*, or literally 'the people with the power to contract'). The nature of the contract is that the caliph agrees to deliver a just society (justice, of course, being defined in this case by the *Quraan*, the *Hadith* and in *Shari'a*) in return for allegiance (*bay'a*) from the population (El Fadl, 2004: 10-12; Moussalli, 2001: 29-84). As might be expected, there is considerable argument amongst scholars of Islamic theology and jurisprudence as to whether members of the public so governed have any right to influence the terms of the contract or the nature of the government (Sabet, 2002). While this thesis selects a case study in an Islamic country, its intention is to consider this case through the lens of 'western' political philosophy and institutional analysis. In this context, Islam (as with any religion) is seen as providing an important set of contextual institutions, and an understanding of how these manifest themselves in the context of the case is clearly important. This work in itself does not aim to undertake a study in Islamic theory, though. The influence of religious and other customary institutions on Somali society is examined further in section 4.0.1 *Introduction to Somali Society and Custom* (from page 61); at this point, the intention is only to note a point of possible congruence between the theoretical traditions of 'Western' philosophers and those of Islam.

As much as the idea of some kind of social contract finds expression across a range of traditions, there remain a number of theoretical approaches that deny or downplay the potential for this possibly metaphorical 'contract' to allow room for conscious organisation or 'design' participation on the part of the populace being governed. Mancur Olson's neo-Hobbesian conclusion hints at a distinction between different capacities for collective self-organisation. He argues that individual self-interest is sufficient to motivate much collective action at what might be termed operational or instrumental levels. A key point in his argument is that such decisions tend to involve smaller groups, and the connection between collective action and immediate reward is more obvious. For large and complex groups, he claims that coercion is both required and sufficient for collective action to occur. The distinction between scales of operation is useful, but while this thesis accepts the argument that un-coerced collective organisation is likely to be more simple in small and less complex groups, it also argues that a flat rejection of the possibility of collective action in large and complex groups is not supported by the evidence. Both human and natural history demonstrate repeatedly that complex groups do establish organisational systems, and that the individuals that cooperate in creating those systems display a range of motivations which extend beyond any useful characterisation as individual self-interest, and do not necessarily require the intervention of a coercive external agent (Goodwin, 1997 offers one of many views on this). In fact, motivation for such behaviour at times displays elements that look suspiciously like the 'unselfish desire to live for others' that marks Comtian altruism, conforming to collective requirements at the expense of individual.

This examination of individuality, justice and the possibility that even complex groups can self-organise lies at the heart of the argument that will be developed further through this thesis. It is taken as a given both that small, non-complex groups are able to organise themselves with relative ease because the link between collective action and individual benefit is sufficiently clear that all group members are able to see the value of working together with others. It is also taken as a given that, in the large and complex group activity of societal organisation at the level of government (a 'constitutional regime'), one possible option lies in the Hobbesian model in which a strong sovereign coerces a given population into accepting a system of government. If these points are accepted, though, the possibility remains that complex self-organisation, or what we will start to call 'spontaneous' or 'endogenous' collective action in 'designing' a system of state is also possible. It is in examining this possibility, including study of a case which seems to suggest that it is, to which the rest of this thesis will be devoted.

The next step must then be to start to disaggregate some of the main areas of enquiry. We will begin that process by revisiting the earlier observation that different decision-making processes occur at different levels, with individuals the most appropriate unit of analysis when decisions relate to immediate issues involving relatively smaller or less complex groups, and in which the costs or rewards of a given course of action are relatively clear. We will refer to this as the 'instrumental' levels of collective action. However, where decisions are being made on the meta-institutional 'rules' that will determine the actions of larger and more complex groups, those decisions are likely to involve some process that works at a higher collective level (with the nature of the collective to be defined), and is not wholly explained with reference simply to members as individuals. This requires further consideration of the issues of group size, taking us back to questions about collective and individual roles in different types of decision-making.

2.1.2 Collective Deliberation and Individual Rationality

Group Size, Complexity and Constitutive and Instrumental Reasoning: To take this discussion forward, we need to find a way of examining and generalising typical modes of behaviour for decision-making pertaining to different levels in terms of the complexity of both the group involved and the decisions being made, as well as taking the related issue of group size into account. One means of doing this is to focus again on the individual, but to consider how people interact as members of groups at differing levels. We have already hypothesised the existence of what we have termed 'instrumental' levels of decision-making. We stated that those levels relate to smaller groups and decisions about situations in which the link between the outcomes of decisions and the costs or rewards associated with those outcomes are more directly linked. Logically, it seems an obvious step then to note that decision-making at the level of the state or other large and more complex groups must necessarily sit at some other point on the continuum.

In fact, we should go slightly further than this and state quite clearly that our focus is explicitly on examining state formation, and we will no longer try and compare this generally with other forms of decision-making. This is effectively to lay claim to the same kind of specificity that

Rawls does when he notes that his enquiries on deliberation and justice pertain solely to the “constitutional essentials’ and basic justice” (Rawls, 2005: 214) and not to wider issues of social or political decision-making (see note 5 on page 30).

The first level of detail, then, is to note that the appropriate unit of analysis expands from the individual to larger and more complex groups as the levels rise. In other words, what we have termed ‘instrumental’ decision-making does seem to allow for an individualistic analysis. As the size of the decision-making group increases, so too does the complexity of those decisions, reducing the clarity of the linkages between decision, outcome and costs and rewards. An assumption of utility maximisation and individual rationality at least within the parameters described by Simon, McGuire, and Radner as ‘bounded’ (1972) probably continues to serve as an adequate assumption in the early stages of the continuum as group size and complexity begin to increase. However, at some point, the balance between the collective and the individual must shift.

As group size increases, decisions become much more focused on ‘rules about rules’. Where a smaller group was likely to have been focused on the production of a particular tangible resource, or the delivery of some almost equally tangible service, larger groups are more likely to have to focus on determining the rules that will govern the production of much less tangible outputs. It becomes inevitable that there must be a level of collective agreement at which individual self-interest becomes less significant as an explanatory motivation for behaviour, even when couched in terms of boundedness. No doubt, individual rationality continues to play a role, but not necessarily a dominant one. This continuum reaches something of an apogee at the level of the state, where the whole task of the decision-making process is to enable the achievement of a raft of outcomes that are beyond the power of a single individual, and in which a mix of coercion and public deliberation or at least acquiescence are necessary components. By definition, group complexity is at its greatest, and the individual therefore represents a relatively less appropriate unit of analysis, with some collective unit relating to discreet social groups serving the purpose more effectively. At this point, an appropriate unit of analysis might be defined along religious or ethnic lines, perhaps including clan or tribe, or country of origin, or else some other unit that can be justified in the context of the case at hand. To suggest that such a unit should be contextually-based is surely the minimum required recognition of the relative complexity of decision-making at this level. Clearly, it represents a less elegant theoretical solution than the assumption of methodological individualism, but that is merely a reflection of messy reality rather than necessarily rendering the model unworkable.

That analysis introduces at least a sense of the actor within the analysis; albeit on the basis of a continuum in which the most appropriate unit changes from the boundedly rational and utility-maximising individual through to the larger collective.

As group size and complexity increase, the process of operating at each level must also change. The individualist and collectivist traditions under consideration emphasise differing components in this process, yet it seems inevitable that both process-components will play a

part. At the most complex levels, this thesis argues that collective deliberation offers an appropriate mechanism for the 'design' of the public realm (Dryzek, 2004: 51). As has been argued, this does not contradict a Hayekian concept of cosmos to the extent that the designers are active participants, not external agents, and as the process of design is dynamic and internally driven. Significantly, this view is congruent with John Rawls' definition of public reason as "... the reason of equal citizens who, as a collective body, exercise final political and coercive power over one another in enacting laws and amending their constitution ... [regarding] what we may call 'constitutional essentials' and questions of basic justice" (Rawls, 2005: 214).

Rawls' words are a deliberate echo of Immanuel Kant's conception of practical and theoretical reason where a political society must, through theoretical reason, "... suitably construct the principles of right and justice that specify the conception of the objects [they] are to produce ..." (Rawls, 2005: 117). Obviously, this is an unashamedly normative perspective.

Collective deliberation is therefore taken to represent the primary means through which decisions are made on 'constitutional essentials', with the aim of achieving the 'construction of the principles of right and justice' that pertain to a given society. Essentially, we are arguing that this level of deliberation requires constitutive reasoning as well as instrumental rationality. Dryzek follows Laurence Tribe's typology on this, noting that the decision-making process at this level requires participants to consider not only "... the instrumental question, 'Does action X help achieve goal Y within the context of the world as it is?' Instead, the actor [also] asks 'Does action X help constitute a world I find attractive?'" (Dryzek, 2006: 113). Given the earlier argument that the appropriate mix of collective and individual rationality sits somewhere on a continuum, in which the collective tends to dominate the individual at the highest levels, with the reverse the situation at the instrumental levels, it is worth recalling that Tribe was explicit in noting that "... virtually every human action ... is at once both operational (or 'instrumental') and self-forming (or 'constitutive')" (Tribe, 1973: 635).

This thesis takes the argument one step further, holding that some actions are explicitly intended to contribute to a conscious process of determining responses to constitutive questions. In such cases the individual must necessarily play a role subordinate to the collective if the decision is to be seen as endogenous to the group. For an individual to take a constitutionally-oriented decision on behalf or in place of the group removes them as a member, according them special status which is in itself inimical to the collective nature of constitutive decision-making. In other words, that individual starts to act as an autocratic sovereign. The practical implications of this argument are obvious enough: different systems of government do allow some degree of autonomy to individuals to take constitutional decisions, but most constitutions accord special status to constitutional decision-making, requiring, for example, an absolute majority or super-majority to support constitutional change.

Of course, as Tribe notes, every decision incorporates some element of constitutive intent as well as instrumental intent, so 'constitutional' decisions cannot be seen as entirely discreet from other decisions. In the same vein, decisions that are primarily instrumental will often have con-

stitutive elements. The distinction is one of emphasis rather than exclusive hold on given attributes. As such, the process of constituting a state will emphasise deliberation, but never to the total exclusion of individual reasoning. The element of deliberation will require constitutive rationality, and will therefore dominate the process of decision-making about constitutional elements. At the operational levels, instrumental or operational rationality will tend to play the greater role. That these different forms of rationality may exist concurrently in a given decision-making process, as Tribe suggests, does not require any alteration to the observation that they differ both in the scale or size of the unit engaged or in the form of deliberation most appropriately employed.

The dual nature of this conception of action and reason implies that some decisions are not only able to be made on a collective basis, but in fact must be determined at a level of collectivity that is appropriate for the nature of the decision itself. This is not, at face value, a suggestion that runs counter to common-sense, but it is surprising how frequently the observation is ignored. The principle of subsidiarity, for example, seen in this light, makes sense as an expression of a determination to drive decision-making down to the lowest level at which it can possibly occur. That follows a consistent logic when addressing the instrumental process, but meta-constitutional and constitutional decisions may be better taken at the *highest* practical level - that is to say, the most 'collective' - in order to foster a sense of broad legitimacy for the collective response to the constitutive question (there is some discussion of such topics in, amongst others, Pierre and Peters, 2000).

On the basis of this argument, we shall therefore divide the levels of analysis into 'constitutive' and 'instrumental' spheres. The division must be seen as indicative: as has been noted, there is room for significant fluidity in terms of the processes and types of reason that are likely to be employed at each level. The implication, however, is that a process of public deliberation will tend to dominate in the *constitutive sphere*, while a process of rational individual utility-maximisation will tend to operate in the *instrumental sphere*.

Exit and Voice: However, constitutional economists raise a further objection to this analysis, which should be addressed at this point. For them, the constitutive sphere should remain one in which individuals are still the primary unit, making individual decisions on the basis of utility maximisation, and departing from one system in favour of a preferable alternative should they not like the outcomes produced in the first. This objection can be both illustrated and refuted with reference to Albert Hirschman's identification of the available options as 'voice' and 'exit'. We will first consider the illustration in relation to the already existing state, leaving analysis of state emergence until later. This is simply a matter of convenience: state emergence involves a more complex and volatile mix of group size and deliberative processes, but we argue that the principles remain constant.

For Hirschman, voice refers to the process in which group members express agreement or dissatisfaction to leaders and to each other, thus triggering an effort to resolve those issues, while 'exit' refers to the ability of members to abandon a given group in favour of another (1970: 4).

Clearly, deliberation or public reason are processes in which many individuals are employing a 'voice' strategy, with the option of exit representing a decision to withdraw from a given polity. Deliberative theorists tend to reflect Hirschman's own observation that, in the search for 'the elusive optimal mix of exit and voice', governments will tend to emphasise voice over exit, although the ideal often appears to combine elements of both (1970: 121-123).

However, the divide on this issue between those who consider the individual to be the only valid unit of analysis and those of a more collectivist inclination is still evident. Tom Palmer, amongst others, criticises John Rawls from a libertarian perspective when he attacks Rawls' suggestion that, in examining the social contract situation, it must be taken that "membership in our society is given" (2005: 276). For Palmer this denies citizens the realistic option of migration as a means of exerting pressure on distasteful governments (2007).

Conversely, John Dryzek complains that proponents of an individualist constitutional economics such as Viktor Vanberg and James Buchanan place undue emphasis on the establishment of a 'market in constitutions', amounting to an argument for the free movement of individuals between polities. In other words, for the individualist, exit is preferred to voice (Dryzek, 2004: 49 & 50).

In fact, it is not apparent that the distinction between exit and voice is necessarily dichotomous. Recalling Hirschman's original suggestion, the optimal situation is likely to enable each in some measure. Drawing on a contractarian perspective, the clear implication is that the availability of strategies for the exercise of voice are promoted, in which deliberation over the desirable nature and form of the 'state' is central.

The insight gained from the individualist perspective is that the availability of an exit option is also important. While Rawls' assertion that the possibility of exit should be ignored in order to make the ensuing calculation simpler is undoubtedly sensible, observation alone suggests that the availability of an exit strategy does not fundamentally undermine the process of deliberation. Again, this is an argument that extends beyond the scope of this thesis, but the practical availability of migration as an option sits alongside the reality of engagement in a process of deliberation in enough states to indicate that the two are not mutually destructive. It seems reasonable to hypothesise that a high level of migration will change the nature and structure of deliberation, while not necessarily undermining it (for example, diasporas are frequently noted for their engagement in deliberative processes in the 'home' nation from which they have emigrated). On the other hand, removal of the exit option in a polity that also permits little voice to its citizens is likely to prove a volatile solution in the long term. Indeed, coercive sovereigns have long attempted to limit voice, and on occasion exit, in the cause of state-building. At times this has proven an important if unstable foundation for an ultimately viable state, while in other instances such long-term viability has not been achieved.

This representation of coercion as the suppression of voice and exit leads us to another observation: by limiting both, a coercive sovereign is likely to be seeking to 'buy time' for the institutionalisation of a regime that either benefits that individual personally or, in some instances, rep-

resents one which they believe to further the interests of the polity they preside over (whether that belief is justified or not is not the point at this stage). To put this more simply, if coercion is to foster a sustainable constitutional regime, it must serve the purpose of preventing people either speaking out against it or leaving for long enough that they become used to the regime and ultimately accept the institutional arrangements that enable it.

The voice/exit debate also tells us something interesting about the assertion that the role of deliberation is qualitatively different at the constitutive and instrumental levels. In fact, it is surely self-evident that voice and exit will function differently depending on the size and complexity of the group which is being examined. The most obvious difference lies simply in the greater significance of a given individual when they are part of a smaller group. Both voice and exit will carry more weight: in the case of voice, we must assume that each member in a smaller group is more easily able to make themselves heard if they choose to do so. Their exercise of an exit option will similarly create a more tangible change within a smaller group, as the absence of that individual in terms of the removal of their potential or real labour or other contribution will impact more heavily on the group as a whole. Likewise, the cessation of resource removal on the part of the exiting individual must result in the increased availability of units of any scarce resource to the remaining members of a small group. Lower levels of complexity too should result in an enhanced ability for individuals to affect outcomes, as debate should be more focused and the understanding of each group member of the relationship between a given course of action and the associated costs and rewards should be clearer.

To that extent, the 'voice'/'exit' duality ends up confirming rather than contradicting the suggestion that decision-making processes be considered as occurring in 'instrumental' and 'constitutive' spheres as the exercise of each has been shown to differ between them.

As has already been noted, it is a much less simple task to apply this thinking to the role of the collective and the individual in the process of state formation as opposed to deliberation in the context of an existing state. In fact, this difficulty may well apply to the formation of groups with common rules of behaviour, expectations of members and so on at all of the levels. That is nevertheless the intention of this thesis, so the issue requires comment here. The first observation is that the exercise of an exit strategy in the context of an emergent group starts to look much more like simple 'non-participation'. However, the non- or partial participation of too great a proportion of the potential members of a large group is likely to significantly obstruct the process of emergence itself. This is particularly evident in the case of state formation, in part because of the physical boundedness of the Westphalian nation-state. Given that a necessary precursor to a contemporary understanding of state formation is the existence of defined or nearly-defined borders, the emergence of a viable state must gain the acceptance of a significant portion of those who identify themselves as belonging in some way within those borders (even when they deny their validity). This may be achieved through coercion, which would, as already noted, aim to limit the ability of citizens to exercise the options of either voice, exit or both.

However, this thesis argues that it is also possible to hypothesise this participation as occurring 'spontaneously', and indeed, that some degree of spontaneity is necessary to achieve an acceptable level of legitimacy. We need then to define 'acceptable legitimacy'; a relative condition that draws on normative assumptions, and which can be defined by drawing directly on Rawls' definition of public reason (see page 24). For Rawls, as with Locke and Kant, a legitimate regime is produced when public consent is offered through a process of public reason: "when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common reason" (Rawls, 2005: 137). We can therefore conclude at this juncture that the process by which a society agrees the terms under which they will, henceforth, cooperate in establishing a system of governance that conforms with a definition of 'state' (helpfully, Rawls refers to this - as we do - as a 'constitutional regime') is one that involves a mix of exit and voice on the part of individual participants, through a process of public reason with the probable inclusion of some degree of coercion. That coercion might take several forms, including social institutional rules that shape the actions of participants and possibly also the actions of those associated with the emergent regime. The mix of those elements is likely to determine the shape of the resultant state. Amongst other things, we are interested in examining the degree to which public reason built predominantly on un-coerced participation can dominate coercion in that process.

We have also noted that the process of deliberation is likely to produce different outcomes in terms of the nature of the system of governance that is produced. In this sense, a process of public deliberation, can be hypothetically said to have determined, at least to some degree, the nature of the state that that group is willing to accept or institute. We might look at that as a deliberative process that is engaged in the production of a particular, if nebulous, resource or set of resources in the shape of a state. Indeed, later, we will turn our attention to resource types in an effort to further address this point. In the meantime, though, we will consider the application of the arguments just presented to a framework that offers the depth to support an analysis of state emergence.

2.2 Theoretical Framework

2.2.1 Deliberative Constitutional Economics

The issue, then is a particular one: the initiation of a set of 'rules about rules', a process that must definitionally occur at a meta-institutional level, is not adequately explained within the rational choice tradition. The tools of institutional analysis, which prove so useful in explaining individual behaviour in market situations, and can be extended through the likes of game theory to provide insight into non-market situations, fall short when employed in the context of constitutional economics, meaning that they provide only a partial basis for an analytical framework suitable for the constitutional arena.

Equally, however, theories of discursive democracy, which deal more satisfactorily with elements of collective decision-making, tend to produce conceptual frameworks of such complexity that they provide little assistance in the analysis of specific cases.

In attempting to address these apparent shortcomings, this thesis will develop an adapted framework that itself takes as a starting point the representation of situational levels, which themselves correspond with the levels of analysis which constitute a part of the IAD Framework of the Indiana-based Workshop in Political Theory and Policy Analysis (see Figure 1).

Figure 1: Levels of Analysis and Outcomes (SOURCE: Ostrom, 1999: 60; Ostrom, 2005: 59)

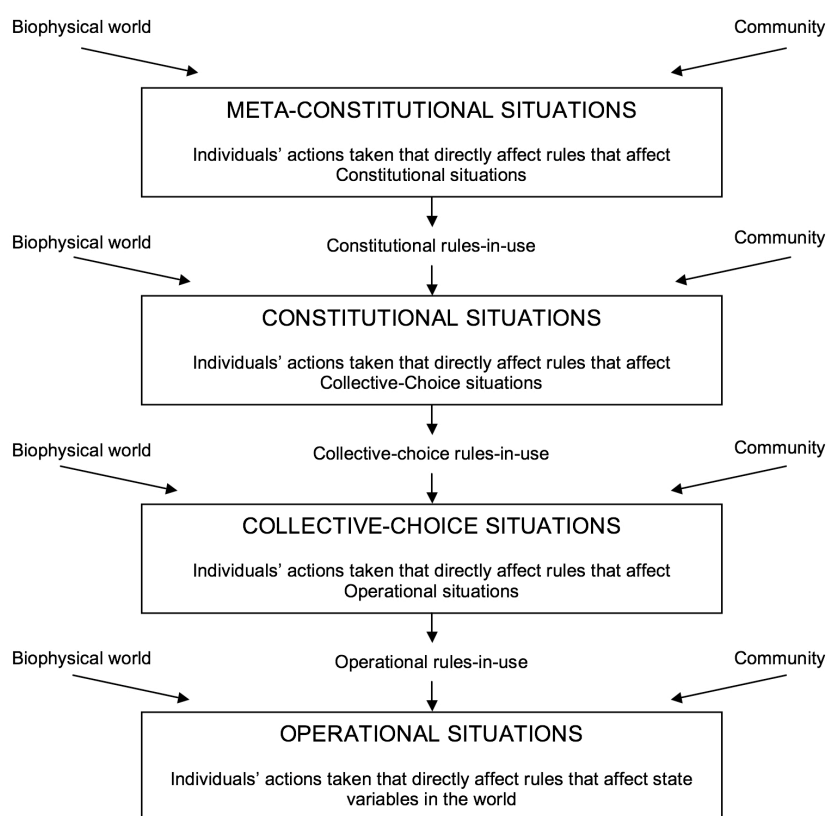
Ostrom's conception is that, at each level, individual actions are constrained and directed by external factors including the availability of natural resources and the institutions of the community within which each actor is situated.

The decisions made at each level then establish rules-in-use that, alongside externalities relating

to community and the biophysical world, they constrain actions taken in the next level down.

Constitutional rules-in-use determine who is permitted to participate in constitutional situations, as well as establishing the parameters which participants must observe when acting in constitutional situations. Rules at this level tend to be the most persistent, changing only slowly over time. Collective-choice rules in their turn establish the participants permitted to take part in collective-choice situations, and establish the terms under which they can act. The same is true for operational rules, although these might change quickly, affecting day-to-day decisions (Ostrom, 2005: 58).

When considering constitutional systems, the levels would tell us that individuals create constitutional rules at the meta-constitutional level that determine, for example, those who are entitled to act as citizens of a given polity, and those rules would establish their general rights and obligations. Typically, the level of detail here would be consistent with that one might find in a national constitution. The detail on rights, responsibilities, permissible actions and penalties would be



made at lower levels. Ostrom herself cites debates on “the design or modification of a national constitution” as taking place in a constitutional-choice situation, with activities in all of the top three levels focused on “prescribing, invoking, monitoring, applying and enforcing rules” (Ostrom, 2005: 61).

The explanatory text at each level in Figure 1 indicates that each ‘situation’ is determined by individual action, reflecting a rational choice perspective. This thesis argues that, at the meta-constitutional level, and to some degree also at the constitutional level, the individual is an inappropriate unit of analysis. Instead, a collective unit which nevertheless acknowledges the role of the individual is required, with a process of Rawlsian ‘public reason’⁵ serving as a basis for effective decision-making.

The schema indicated does make reference to aspects of the collective under the title ‘community’, which feeds into each level. Specifically, in elaborating the approach, Elinor Ostrom mentions a number of attributes relevant to a given community:

- the values of behaviour generally accepted;
- the level of shared understanding of the structural elements pertaining to decision-making processes;
- the extent of homogeneity in the preferences of community members;
- the community’s size and composition; and
- the extent of inequality of basic assets (Ostrom, 2005: 26-27)

Ostrom acknowledges that a greater level of definition is required for the ‘catch-all’ of community, but essentially, the full set of contextual norms or institutions are wrapped up in the attributes listed. In fact, her check-list serves as a reasonable set of indicators for the objectives embodied in Rawls’ two central principles, namely those relating to equal basic liberties and acceptable difference.

Rawls expresses the two as follows:

“a) Each person has an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for all. b) Social and economic inequalities are permissible provided that they are i) to the greatest expected benefit of the least advantaged; and ii) attached to positions and offices open to all under conditions of fair equality of opportunity” (Rawls, 2005: 271).

Clearly, Rawls is unashamedly setting out a moral position, whereas Ostrom is suggesting attributes in the form of indicators that might be applied to an analysis of community in a given situation. The compatibility of the two statements would be further enhanced were Ostrom’s at-

⁵ *Rawls is preferred over Habermas because his political constructivism explicitly demarcates a realm of public reason in which “... the limits imposed ... do not apply to all political questions, but only to those involving what we may call ‘constitutional essentials’ and basic justice” (Rawls, 2005: 214), while Habermas opts for a theory that is comprehensive in its scope (Habermas, 1997: 5).*

tributes to include an indicator of equality of access to basic liberties as well as assets. We will attempt to address these issues in section 2.2.4 *An Adapted Framework*, from page 39.

Action Arena: If Figure 1 indicates a suggested series of situational and analytical levels, then a number of additional elements are still required in order to employ it as a framework. It needs at a minimum to indicate the role of participants or actors, and the outputs or outcomes that are likely to result from each level of action. Ostrom achieves this admirably at the collective-choice and operational levels, where she introduces the 'action arena'. However, built as it is upon an individualistic unit of analysis, the action arena as formulated doesn't work as well at the meta-constitutional and constitutional levels, where this thesis holds collective deliberation to be an essential part of the functional process.

Figure 2 indicates the relationship Ostrom sees between the Action Arena and the other constituent elements of the IAD Framework. The 'Exogenous Variables' at each level of analysis, in the form of the biophysical world, community and the rules-in-use established at the next level up the chain are clearly indicated, with the addition of what systems theorists would term a 'feedback loop' generated by application of evaluative criteria against interactions and outcomes.

Ostrom's suggestion is that the action arena is an appropriate analytic tool at each situational level. Her suggestion is that "[a]ction arenas exist in the home; in the neighbourhood; in local, regional, national, and international councils; in firms and markets; and in the interactions of all of these arenas with others" (Ostrom, 2005: 13).

Ostrom sees the action arena as being comprised of two 'holons'; the action situation and the participant within that situation. Each action situation corresponds with a situational level in Figure 1, and includes seven variable clusters:

1. the participants themselves (who Ostrom notes might be individuals or groups - an issue which will be further addressed later);
2. the positions occupied by the participants;
3. the potential outcomes pertaining to the action options available in that situation;
4. the linkages between actions and outcomes;
5. the levels of control that participants possess over their own actions and those of others;
6. the types of information generated; and
7. the costs and benefits assigned to given actions and outcomes (Ostrom et al., 1994: 29; Ostrom, 2005: 14).

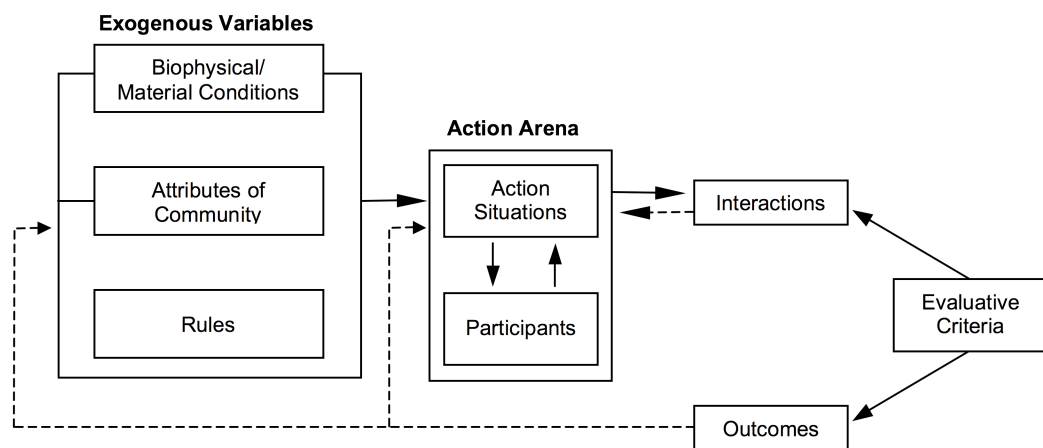
Action situations, then, are "... the social space where participants with diverse preferences interact, exchange goods and services, solve problems, dominate one another, or fight ..." (Ostrom, 2005: 14).

Participants in an action arena are simply active actors, which seems to imply that participants are both a holon by themselves and also a variable within the action situation holon. Confus-

ingly that would mean that participants both interact with the action situation and are also a variable within it.

The argument in this thesis is that this understanding of participants is inadequate in the constitutive sphere. The conception of the collective must be treated as more than simply an arena in which multiple individuals meet to agree on decisions (Ostrom, 2005: 32-35). Frequently in constitutive situations, collective bodies must instead be seen to act as decision-making ‘units’ in their own right, and cannot easily be reduced to the constituent individuals who might compose their membership. Constitutive decisions tend to be made on a collective basis, in which the interaction of participants in ‘action situations’ maybe a significant factor, but is not necessarily the decisive basis for the nature of the decisions made.

Figure 2: Constituent Elements of the IAD Framework, showing the Action Arena
(SOURCE: Ostrom, 2005: 15)



By allowing for ‘corporate actors’ as participants (Ostrom, 2005: 14), Ostrom does seem to permit a broadening of participation to include collective units, but this doesn’t solve the problem. Instead, it creates an unproductively messy analytical tool: the analyst would need to examine, amongst other things, the effect of the ‘attributes of community’ on the collective participant group (which might itself be a ‘community’); and also the interaction between collective participant groups, and between and with individuals. The likelihood is that groups will share members, and that people acting as individuals will also act as members of groups, with their actions in each case differing dependent on the context in which they find themselves at a given moment. Nevertheless, there is an arena in which the act of constitutive decision-making takes place at the meta-constitutional level as much as at any other. If we are to assume this to be primarily a collective act of public deliberation, then the action arena graphic as illustrated by Ostrom loses much of its relevance, but an equivalent model based on a deliberative process might be applicable. This is not easy to represent in diagrammatic form, but the implication is that public reason, using Rawls’ definition (page 24) can be assumed to operate alongside the individualistic action arena assumed by Ostrom to operate at each level, with public reason tending to dominate individual action at the meta-constitutional and, to a lesser degree, the con-

stitutional levels.

The tendency for individuals to act, often simultaneously, as members of groups in a constitutive fashion, and as individuals in an instrumental manner echoes Laurence Tribe's observation, above (see page 24). The action arena, as outlined by Ostrom seems to hold considerable analytical potential at the level of instrumental decision-making, where there is a clear relationship between a given decision and the effects of that decision at an individual level. However, at the constitutive levels, the action arena needs to be understood differently, as placing much more weight on collective deliberation.

2.2.2 Situational Levels, Regimes and Resources

We referred earlier to the possibility that each level of decision-making might result in the production of a resource or set of resources, and that is a hypothesis that we will now turn our attention to.

Effectively, Ostrom's working assumption seems to take a different form. She appears to suggest that each level contributes to the establishment of a set of 'rules-in-use' that ultimately enable an 'operational' level to produce tangible outputs in the form of resources of one sort or another. In that context, she notes that the whole framework is compatible with "theories of public goods and common-pool resources" (Ostrom, 2005: 28), but it isn't altogether clear how these goods and resources relate to the framework – particularly as opposed to private and toll goods (see *Figure 3: Resource Types* on page 36 for more information on these and other resource types). Our approach is to suggest a variation to this conception; namely that each level creates goods or resources (or, in Vincent Ostrom's terminology, 'artefacts' - 1980), rather than assuming that meta-constitutional, constitutional and collective-choice levels each solely generate sets of rules-in-use which are then applied at an operational level to generate tangible resources. Instead, we hold that the 'rules-in-use' coupled with the relevant contextual institutions at each level, represent the elements of a regime which is dependent on or formalised in the resources created at the next level up⁶, as well as the attributes of the biophysical world.

Regimes: This section therefore examines the relationships between the levels of analysis already described, the resources or artefacts produced at each level, and the regimes that are employed to produce those resources. We will define resources in terms of excludability and subtractability shortly, but before doing that this is an apposite point at which to define a regime. Writing in the context of international regimes, Stephen Krasner offered one of the most frequently cited definitions and one which works just as well for local, community or national contexts as it does at the international level. For Krasner regimes are "... sets of implicit or explicit

⁶ The use of the term 'formalised' here is not intended to suggest that only formal or codified constitutions are applicable. Indeed, many polities employ less formal instruments yet are still subject to a constitutional regime. The British system is one such. Customary systems which are widely understood by those living within them are also constitutional regimes, and Somali society tends to operate within a regime of this nature. The interest in Somaliland lies in the fact that they have, since 1990 been internally negotiating a transition from a regime based on a custom which barely recognises established borders or representative political government to one which must accommodate both.

principles, norms, rules, and decision-making procedures around which actors' expectations converge ..." (Krasner, 1983: 2). Clearly, this places a regime remarkably close to North's definition of an institution referred to earlier: "... the rules of the game in a society or, more formally, ... the humanly devised constraints that shape human interaction" (North, 1990: 3), which includes conventions, norms, and formal rules. In fact, both terms are frequently used interchangeably, although the term regime is understood in this thesis to represent a mix of institutions at each level. That regime will reflect a particular balance between deliberation and individual self-interest, as well as the full range of contextual and physical constraints that affect a given process of decision-making at the relevant level.

In the context in which we are working, this can be illustrated by considering the types of resources and regimes that pertain at each level. Let us consider first the constitutional level. A constitutional system consists of elements of both constitutional rules-in-use and a tangible set of resources, perhaps (though not necessarily) in the form of a formal, written national constitution. The constitutional rules-in-use conform with the definition just given of a regime arising from a meta-constitutional situation, and guiding the production of resources at the constitutional level. The resources are the formal and informal constitutional artefacts which serve to enshrine the terms of the regime. While they may take the form of a written constitution, they may also be a collection of items of constitutional legislation or a set of unwritten but widely understood rules about decision-making and action in constitutional situations. Such unwritten resources might be difficult to differentiate from the regime that creates them, and we will return shortly to the problems that sometimes pertain when attempting to distinguish between resources and regimes. At this point, though, it is important that we make the conceptual distinction clear. A resource is a codification that captures the rules that underpin the regime and to which those participating at each level can refer. The regime, in turn, is a more flexible arrangement of institutions, some of which are captured in the resources at that level, but which also covers the full set of norms and other less tangible institutions which guide the application of the rules enshrined in the artefact. The regime, therefore, relates to the application of rules, norms, conventions and so on in the process of decision-making at each level. Resources, on the other hand, are the partial codification of the rules that apply and can be seen as static at a given moment in time: they will be changed from time to time, with those changes made according to the regime (rules-in-use) that sets the terms for decision-making or action at each level.

To return to the example just given, then, a national constitution enshrines elements of a constitutional regime which has arisen as a result of collective actions taken at the meta-constitutional level. The process of judicial interpretation and the debating and passing of legislation represents actions taken in constitutional situations which are guided by constitutional rules-in-use. At its most basic, we are therefore arguing that there is some sort of collective process at the meta-constitutional level that determines rules that govern rule-setting at the next level down - the constitutional level. That is no different from Ostrom's own description of levels. What is different is that we are suggesting that specific artefacts or resources are produced at each level which then provide some codification (formal or informal) of those rules. A second key departure

from Ostrom's hypothesis is that the actions taken at the meta-constitutional and, in part also the constitutional levels, will more closely resemble the collective deliberation described by Rawls as public reason than the decision-making of utility-maximising individuals.

This relationship goes some way to making the connection between "rule configurations, attributes of goods, and attributes of the community ... [and] the structure of action situations, individual choices, outcomes and the evaluation of outcomes" that has proven so difficult in the past (Ostrom, 2005: 29). The process of production and then interpretation, application and reproduction of the artefacts being the connection between rule configurations and attributes on the one side, and on the other, the structures, choices and evaluations which Ostrom is referring to. Having hypothesised this conceptual relationship between artefacts (resources), regimes, and situational levels we are able to adapt Ostrom's framework, a task that is tackled in section 2.2.4 *An Adapted Framework* (from page 39).

The concept of a system of social interaction giving rise to some collective resource finds a convenient echo in the work of institutional economists and discursive theorists alike. Rebutting Robert Nozick's claim that individuals fully own themselves, and therefore the products they generate, Daniel Attas argues that a market is "... a form of co-operation in production which makes the total social product a joint product ...", where "... a joint product is jointly held by those who own all that goes into its production" (2004: 539). This idea of a joint social product implies some kind of common-pool, public or toll good, and rather completing the circle, Nozick uses the idea of a 'joint product', as a basis for his refutation of Rawls' conception of distributive justice (1974: 82). If a market is a joint social product, then surely a constitutional system of state must also be such a product.

Resources: Having elaborated the relationships between regimes, resources and levels, we must look more closely at resources themselves. We will then need to consider resource production at the meta-constitutional level. We will again pick up on Ostrom's work with resource types for this task.

Following Ostrom, the terms 'common-pool resource', and private, toll and public goods reflect an estimation of the properties 'excludability' and 'subtractability'. Excludability refers to the ease with which access to the benefits of a resource can be controlled, while subtractability refers to the degree to which one user's consumption of resource units reduces the pool of units available to other users.

Street lighting and national defence are oft-cited public goods because it is difficult to exclude individuals from enjoying the benefits, while the enjoyment of those benefits does not reduce the availability of that resource to others – subtractability therefore being low. Common-pool resources share difficulty in exclusion, but subtractability is said to be high. Such resources include the like of fisheries and forests, where it is difficult to prevent access and exploitation, but the enjoyment of benefits diminishes availability to others.

It seems quite reasonable to argue that a constitutional or judicial system produces a set of resources from which it is difficult to exclude individuals. The question of subtractability is trickier.

Superficially, a set of constitutional rules can be enjoyed much as street lighting can: anyone in the vicinity (in the case of constitutions, that would mean citizens and legal residents) can partake of the benefits without detracting from others' ability to enjoy the same. That would make a constitutional system a public good. And perhaps that is sufficient. However, the situation is more complicated when a time variable is considered. Historically, resources such as fisheries have most often been assumed to be 'free' or public goods because one person's extraction of units from the resource did not generally seem to diminish availability for other users. As environmental degradation has generally become more obvious in recent years, depletion of fish resources has followed suit, making it increasingly clear that the resource has become 'subtractable'. Similarly but in reverse with respect to breathable air: most of the time, we treat this as a public good characterised by low subtractability. However, once pollution reaches a critical level, the introduction of each extra unit of pollutants – effectively consumption of the resource – begins to appreciably reduce the availability of that resource for the use of others. Ostrom herself suggests that the internet is a common-pool resource (Ostrom, 2005: 79), but its subtractability is rarely obvious – arguably only in terms of download speeds or crashed servers at times of heavy usage. Some have argued the case on common-pool resources at some length (for example, Bromley, 2003, 2005; Walls, 2007), with Bromley taking the position that "... there is no such thing as a common-pool resource" (2003: 4). Perhaps the nature of a resource, as defined by the regime that produces it changes over time or in different circumstances.

Figure 3: Resource Types

Excludability		
Difficult	Easy	
Common-Pool Resources (e.g. fisheries, forests, breathable air in the long-term, <i>liberty, justice and stability</i> at the point of emergence)	Private Goods (e.g. cars, chocolate bars, insurance policies)	High Subtractability
Public Goods (e.g. street lighting, national defence, breathable air at a moment in time, <i>liberty, justice and stability</i> in a stable society)	Club or Toll Goods (e.g. restricted-access bridges or motorways, private club camaraderie)	Low

It does seem though, that the regime adopted for the production of a resource is important. While it may not be clear exactly how the internet might be described as a common-pool resource rather than a club or toll good, for example, there is hot debate over the degree to which centralised or privatised control or dispersed collective responsibility is appropriate in relation to the provision of technology, censorship, domain names and other facets of the system. In other words, the nature of the regime and the effect that regime has on the resource itself is widely acknowledged and keenly debated, even though a definitive categorisation of the resource remains difficult.

A regime or institutional arrangement can be assumed to serve as a means to an end, so the idea of an output in the form of a resource may still help to focus our minds on the desirable fea-

tures of that end-product. Without this concluding step, it becomes more difficult to argue the case for better or worse outcomes, or to relate regimes to the outputs they tend to generate. In the political domain, the implication of this argument is that a democratic regime, for example, must be a means of delivering some benefit to the society it supposedly serves. It is not sufficient simply that it conforms to some definition of democracy. Similarly, to suggest that a free market, a democracy, or some other set of social institutions is a desirable regime for its own sake is to enter a state of self-justification that is logically insupportable; essentially a version of the infinite regress mentioned earlier. Surely a regime that supports an output that is in some manner unpalatable to a substantial proportion of the population who live within it must be described as dysfunctional, regardless of its efficiency in self-replication or durability. This is no more than to recall Rawls' position that, for a constitutional regime to be 'legitimate', free and equal citizens must 'reasonably be expected to endorse' it (Rawls, 2005: 137).

2.2.3 *Liberty, Justice and Stability: A Meta-Constitutional Resource?*

This thesis has already suggested that it seems logical to describe a constitutional system as a resource, and indeed, the process of creating the institutional framework that is a constitutional system does require the generation of a number of tangible outputs: legislation, regulation, and so on. We have already used the constitutional level to illustrate the relationship between regime and resources. However, unsurprisingly, it is a more difficult task to describe the meta-resource that is produced at the meta-constitutional level. It is nevertheless vital to our hypothesis that we attempt this.

It seems reasonable to suggest that this meta-resource must be an end-product that is of essential benefit to society. For arguments' sake, let us follow the Greek tradition of *hendiatris*, in which a complex and sometimes metaphysical notion is elaborated through the use of a multi-component epithet. In other words, a descriptor similar to the second generation of Horae: *Eirene*, goddess of peace; *Dike*, of justice; and *Eunomia*, responsible for good order, or Hobbes' "justice, equity, modesty, mercy" (Hobbes, 1996: 111), or perhaps Locke's "life, liberty and estate" (Locke, 2003: 136) might suffice. For the purpose of the discussion, let us choose *liberty, justice and stability*. Liberty represents the individual element so important to rational choice theorists as well as finding expression in Rawls' two principles. Stability represents the predictability and continuity that is essential if complex social institutions are to evolve in the long-term, and justice represents a normative commitment to a sense of fairness that is explicitly derived from Rawls' concept of political liberalism.

Amongst institutionalists, the importance of the process by which the basic elements of the US Constitution was decided is frequently seen as a touchstone for discussions of this type. Helpfully, "... much is said in *The Federalist* [the organ of the constitutionalists of the day] about energy, safety, liberty, justice, and republican form" (Ostrom, 2008: 61) which hints at the resonance of a similar combination of elements to *liberty, justice and stability*. This argument also finds a useful (and more clearly similar) parallel in Rawls' 'primary goods', of which he identifies five types: basic liberties; freedom of movement; powers and prerogatives of office; income and

wealth; and the social bases of self-respect (Rawls, 2005: 308-309). While Rawls' list is more comprehensive, *liberty, justice and stability* is an attempt to capture something of the same idea.

It is clear, but also worthy of explicit note at this point, that *liberty, justice and stability* must be seen as a bundle of resources or goods. It is not in any sense a unitary good. That does not render it useless as a concept, but it does have implications for the framework and case study analysis which are the focus of this thesis. Most particularly, it is notable that the three named components can be created independently of each other. In fact, each one can be used to undermine or diminish the others. The most obvious illustration of this is that the pursuit by a sovereign of *stability* can and frequently is used as an excuse for the imposition of constraints on both *liberty* and *justice*. Equally, the pursuit of individual *liberty* can undermine collective *justice*, and in an extreme form could also threaten *stability*. The use of the phrase 'individual liberty' and 'collective justice' is deliberate here as it illustrates another point: the resource *liberty, justice and stability* incorporates both individual and collective elements: a reflection of the earlier argument that neither pure individualism nor collectivism are adequate in establishing a moral basis for system design. Justice can of course be seen in both individual and collective terms, but both are important. Broad equality in a sense similar to that defined by Rawls is surely a collective sense of justice - in other words, justice measured in terms of the relative access to resources of individuals within the collective body. Individual human rights, on the other hand, can be defined with respect to individuals alone and is relative only to a set of principles (individual human rights) rather than requiring relativity within a wider community.

This conception of justice is vitally important for a number of reasons, centrally so because it does carry the weight of collective aspiration. One might argue that stability is a necessary base on which to construct both individualised liberty and to deliver a sense of collective justice. Rawls notes that there is no "one favoured political conception of justice" (Rawls, 2005: 451), and prefers to retain the rather loose idea of 'justice as fairness', with fairness defined through public reason.

However, in discussing his conception of justice, he offers a potentially rewarding point in that his primary goods are largely expressed as bundles of rights - liberties, freedom of movement, power, access to wealth and so on. These bundles of rights also incorporate elements of both individual and collective justice, suggesting a way in which 'resources' relating to the hendiatris might be defined so as to avoid a criticism that the term is either too broad to hold real meaning, or else so narrow as to strip the conception of its richness with regard to the collective and meta-constitutional aspects which *liberty, justice and stability* so explicitly aims to capture.

The argument here is that the combination of the three elements into a composite resource called *liberty, justice and stability* is in itself a moral position. We are arguing that *liberty* without *justice* is insufficient, just as a condition that provides *liberty* and *justice* must also be expected to provide *stability*. This is a line of argument that is not pursued at greater philosophical depth in this thesis, but would be worthy of exploration in the future.

The *liberty, justice and stability* triad, then, stands for the resource that must be created at the meta-constitutional level for constitutional rules-in-use to evolve in support of a 'just' regime. Just as was the case for the constitutional system already discussed, this resource looks a great deal like a public good once it is established. In a similar manner in which, when pollution is low, clean air is not significantly subtractable through the addition of units of pollution, but becomes so when the level of pollutants begins to approach a dangerous level, *liberty, justice and stability* is not easily disrupted through the actions of one or a few individuals. When the resource is fragile, however, this is not the case: a small group or even an individual might conceivably act to destroy the resource.

There is a pertinent echo here in Locke's observation that it is "impossible for one or a few oppressed men to ... overturn a well-settled state ... [except] where the precedent and consequences seem to threaten all ..." (Locke, 2003: 192). The 'precedent and consequences' never seem 'to threaten all' more obviously than when a fundamentally altered meta-constitutional regime is in the process of being negotiated, in the likes of a post-conflict situation. At such times, it is readily apparent that *liberty, justice and stability* is a fragile resource.

Essentially then, *liberty, justice and stability* can be seen to be at their most fragile when a meta-constitutional system is emerging that will form the regime that will enable sustained provision of that resource. At this point of emergence, *liberty, justice and stability* displays qualities of both excludability and subtractability that look notably similar to those displayed by clean air in a polluted environment: one or a few are capable of overturning the nascent state in a manner similar to that in which a single polluter can render the air unbreathable for the majority. In other words, what would presumably be a meta-constitutional public good once the process of constitutional emergence is complete, displays the characteristics of a common-pool resource at the point of emergence.

2.2.4 An Adapted Framework

We set out to consider a means of addressing perceived weaknesses in the available tools of institutional analysis and constitutional economics when applied at the meta-institutional level. Essentially, this was a case of considering the problems created by an assumption of rational individuality when considering the collective task of state formation, or more specifically the emergence of a constitutional regime, without completely losing the power and elegance of institutional analysis as an approach to understanding collective action. We then aim to consider the potential inherent in human social systems that might (or may not) allow for that emergence to take a spontaneous form, applying the framework adapted in the course of theoretical review to an appropriate case study.

This obviously requires us to modify the IAD Framework which we reviewed previously, finding ways to incorporate the elements of the theoretical conclusions arrived at thus far. This is inevitably a difficult task as it requires the introduction of messy conceptions of the collective and a

subjective morality that institutional analysis attempts to avoid, but is necessary if we are to arrive at the analytical tool we are aiming for.

The first adaptation would be to note the distinction suggested by Laurence Tribe that decision-making processes can be divided into constitutive and instrumental spheres (see page 24), which relate to both the appropriate size of the 'unit-act', and the level of deliberation involved. The IAD situational levels or levels of analysis are therefore divided into two parts, indicating that division (see Figure 4, page 41).

It is important, of course, that the language and assumptions of the two schools of thought involved are broadly consistent, and with the exception of assumptions on the place of the rational individual, the argument put forward rests on the assumption that there is indeed sufficient complementarity. Usefully, the idea of *liberty, justice and stability* as a 'joint social product' employs a lexicon that is similar to that of both rational choice individualism and collectivist deliberative theory. By viewing this conception of a meta-constitutional resource, the logic follows that it facilitates the evolution of a constitutional resource set that includes the formal and informal outputs that compose a constitutional system. The whole collection of levels represents a regime within which the production of collective-choice and operational resources are also enabled. At the meta-constitutional level, this regime is therefore the package of constitutional rules-in-use and the contextual institutions at that level.

The intention is that the insertion of resources within the levels of analysis in Figure 4 introduces a sense of the outputs created at each level, while discussion regarding the unit of analysis and form of reasoning contributes a view of the actors and processes used in creating these outputs.

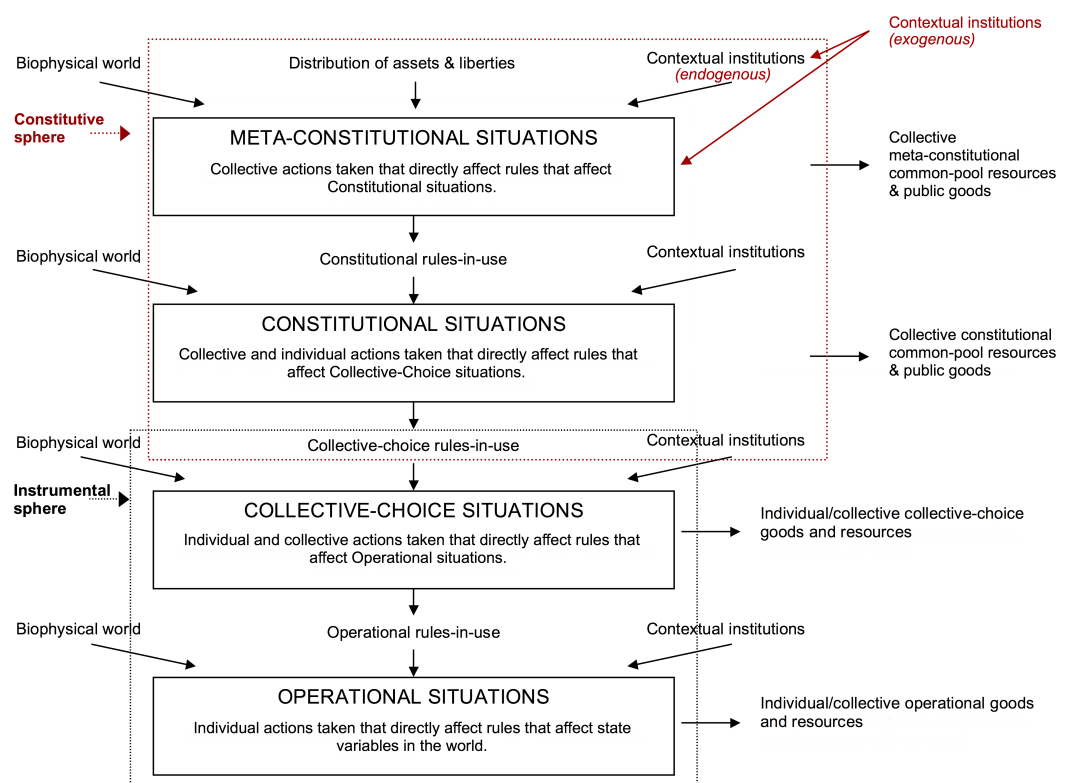
Although Ostrom's description of the action arena was found deficient when dealing with collective units of analysis, there is nevertheless a discernible equivalent to her action arena at each level. Effectively, each 'situational box' is representative of the action arenas, but we are arguing that its shape in constitutive processes will more closely resemble Rawlsian public reason than Ostrom's original arena. As noted, Ostrom's version admirably represents operational and collective-choice decision-making. By adding more workable assumptions about group size and the subjectivity of norm-formation at the meta-constitutional and constitutional levels, the application of the schema is improved for the examination of the constitutional emergence for which it is intended.

Meta-constitutional resources are most likely, following the logic outlined thus far, to be common-pool resources or public goods, and collectively defined or 'produced'. This is because, at this level, the decisions required relate to the collective definition of 'the world each individual finds attractive' (apologies to Dryzek, 2006: 113), defined in relation to a process of public deliberation. In other words, this being an exercise in social organisation, no individual's perception of the 'world they find attractive' carries weight unless it is mediated through a process of wider public acceptance and compromise - or public reason. The more autocratic a ruler, the more 'voice' and possibly 'exit' will be restricted in the exercise of that deliberation, but in any instance

in which a notion of spontaneous or endogenous emergence can reasonably be entertained, the process must in large part be one in which ‘excludability’ is difficult. For that reason, the resource ‘output’ in the framework is adapted to read ‘collective meta-constitutional common-pool resources and public goods’. In this thesis, that is considered to mean, in essence, the social definition of *liberty, justice and stability*.

The meta-constitutional level also differs from the others in the addition of ‘distribution of assets and liberties’ as a set of factors that will inevitably affect the process of constitutive public reason required for the generation of meta-constitutional resources. This is deliberately intended to represent Rawls’ two central principles of equal basic liberties and acceptable difference, as well as Elinor Ostrom’s reference to the distribution of assets as a factor in the catch-all of ‘community’ which also contributed as an externality to the original levels of analysis (see page 30 for further discussion on this). The distribution of assets and liberties is drawn within the constitutive sphere, because the essential process of determining distribution is a collective and constitutive one that takes place over a period of time. It is worth noting that the biophysical world - an externality, of course - is likely to play a significant though non-exclusive role in determining the availability of assets for distribution. Perhaps, then, one might argue that there should be an arrow leading from ‘biophysical world’ to ‘distribution of assets and liberties’, though for the sake of simplicity, that has not been included in this realisation of the framework.

Figure 4: Adapted Levels of Analysis for a Constitutional Regime



Contextual institutions are also split in two, with some subject to the constitutive process of deliberation and therefore considered ‘endogenous’, while others are effectively imposed or adopted from external sources. This distinction proves vitally important as we consider the case

study material in Chapters 4 and 5, as it provides a useful means of distinguishing between external models of representative democracy and Somali customs relating to direct or discursive decision-making. It is also useful in considering the interplay between colonial systems and local custom.

This distinction between institutional arrangements which are imposed from outside the regime as a whole, as opposed to those which arise endogenously, also usefully helps to bring greater definition to the idea of spontaneity. Hayek failed to clearly define the notion of 'spontaneity', simply (and repeatedly) noting it to be a function of the non-human, or perhaps non-deliberate, ordering of the cosmos (as in "spontaneous ordering forces" of nature Hayek, 1978: 76). The distinction between 'non-human' and 'non-deliberate' is important, and the argument here is that it is absurd to suggest that constitutional agreement is other than 'human', leaving the possibility that spontaneity refers to a lack of 'purposiveness'. The point made earlier, though, is that Hayek's real concern is with designers who stand outside the system and try to impose order on people or societies. Hayek's argument doesn't seem to recognise the possibility of regimes "in which human beings function both as their designers and creators, and as their principal ingredient" (Ostrom, 1980: 310). By splitting endogenous and exogenous institutions, we can distinguish between arrangements that are imposed from outside a constitutional regime, and those which emerge from within it. This involves adjusting the definition of spontaneity. Rather than speaking of a disembodied 'cosmos' or of 'ordering forces', we are then talking of spontaneous emergence as synonymous with 'endogenous emergence': the emergence of a constitutional regime from within the society to be governed by that regime as a purposive and iterative process of design.

The collection of endogenous inputs at the meta-constitutional level can be seen to generate a set of meta-constitutional rules-in-use which, with exogenous inputs, determine the actions taken in meta-constitutional situations. This is consistent with other levels, but is not disaggregated in this way within the diagrammatic framework because it is pointless to continue to add extra 'meta' layers. The process could no doubt be continued endlessly, but without effectively improving the power of the framework itself. Ostrom herself acknowledged this when she added the meta-constitutional level to her diagram. The original included only constitutional to operational levels (Ostrom, 1990: 53; Ostrom, 2005: 59).

The definition of constitutional resources follows a similar logic: the tangible outputs will be the formal and informal 'constitutional elements' which determine the direction and values of a society. These may be codified in the form of a constitution, but they may also be informal, or codified in the form of a diverse array of constitutional elements - perhaps a bill of rights, a statement of values, a range of constitutional legislation, or a combination of some or all of these.

Elinor Ostrom notes that 'constitutional-choice rules' will define "... who is eligible to be a participant and the rules to be used in crafting the set of collective-choice rules ..." (2005: 58), and those certainly are examples of the kinds of rule-sets that will be generated at this level. However, they are not the only ones. The constitutional level will also determine how those parti-

cipants interact in making decisions on collective-choice rules, and it will in itself generate a set of formal or informal resources that enshrine, codify or otherwise establish those rules in the form of an 'artefact' of some sort - much in the sense that Vincent Ostrom uses the term (1980).

These two levels of collective resources represent the outputs of the constitutive sphere. It must be acknowledged that, were a given society rather less complex, large or diverse (for example a club rather than a nation), then the outputs at this level might also take the form of toll-goods, as the reduced scale of the group involved might permit the required level of excludability. This merely reflects the fact that definitions of excludability (and subtractability for that matter) tend to mask the immense variety of possible permutations that relate to these properties with respect to any given resource. Given the concern of this thesis with the considerable complexity and size of the social grouping that constitutes a nation, this should not represent a significant drawback for the framework.

In the instrumental sphere, collective-choice resources tend to serve specific, definable purposes; hence their instrumentality. They will involve some degree of collectivity in their production, but the 'unit-act' or size of the collective group involved is likely to be both smaller and less complex than is the case for constitutional or meta-constitutional resources. In the context of a constitutional regime then, the types of resources that might be produced at this level would include specific pieces of (non-constitutional) legislation, by-laws and regulations and so on. All items that define operational rules, and which, with the contextually relevant institutions form the collective-choice arrangement for that regime.

Operational resources are then those consumable or tangible items that can be produced by individuals, or groups of individuals, with recourse to specific sets of rules. In the context of a constitutional regime these would be those resources the production of which can reasonably be assigned to task-oriented teams or individuals: instrumental goods or services required for the functioning of the regime as a whole. Everything from reports to the full range of service provision and so on.

The market, as an essentially atomised system of organisation nevertheless relies on the presence of an 'enabling' or constitutional and meta-constitutional framework of its own. Much of the meta- and constitutional functioning of a market derives from principles formalised by or within the constitutional regime, but many of those institutions are merely formalised in that way: market systems have their own meta-constitutional arrangements which tend to be drawn from economic or business theory. In this sense, one can see an interaction between different regimes and actors within each that act as exogenous inputs or institutional influencers that might either support endogenous institutions or seek to change them. There is doubtless much that could be made of this idea of interaction between regimes, but that is an issue which is not covered in this thesis. Suffice to say that, as a distinct regime-type, there is no need to assume that a constitutional regime should mirror a market or vice-versa. The two can and usually do operate on quite different institutional bases. This hardly proves the observation above (see page 26) that a 'market in constitutions' is an inappropriate conception of the applicability of

competition to the 'efficient' development of constitutional resources, but it nevertheless implies no presumption that two regimes should take the same form. As such, it leave us free to utilise the framework as adapted for our study without having to justify its similarity or difference from other regime options.

A framework by definition requires a reductionist ordering of priorities and components, and the limitations of such reductionism tend to be particularly evident when tackling problems of complexity and subjectivity. To that extent, any such attempt can only be offered as an incomplete but hopefully useful perspective around which to structure an understanding of the situation at hand.

The case study analysis in this thesis helps, in suitably abductive style (see section 2.3.2 *Deduction, Induction and Abduction*, from page 46), to provide something further in terms of refinement, and that is discussed in section 6.2.3 *Implications of the Findings for the Framework* (from page 185). The use made of the framework, though, can also be somewhat further elaborated here. Because the case study focuses so specifically on a given process of state formation, the research looks most closely at the meta-constitutional level, and more specifically at the relationship between:

- exogenous institutions, including the models and practice of governance imposed by colonisers as external agents;
- endogenous institutions, which covers particularly Somali customary approaches to governance issues, including conflict resolution, dispute settlement and collective decision-making, along with the Somali interpretation of Islam; and
- the process of collective action which occurs at the meta-constitutional level. This last means the balance and nature of deliberation, the space available for individuals or groups to participate or intervene (determined, of course by contextual institutions - both endogenous and exogenous).

By examining these three areas, we should be able to isolate to a large degree the human contribution to the creation of constitutional rules-in-use, taking into account some assessment of the various influences of colonial and indigenous actors, emerging political classes and the like. We will refer periodically to the distribution of assets and liberties but without examining this facet in any great depth, although it remains an element which is largely human-determined. We will also not examine the biophysical world in any detail.

There is significant additional work that can be done in refining and developing this structure. A next step might be to argue a more detailed conception of 'contextual institutions' that goes beyond the disaggregation into endogenous and exogenous forms. The static nature and overly clear delineation of the constitutive and instrumental spheres could also be improved by indicating a graduated scale, and no doubt many additional refinements could be made.

While it is acknowledged that a framework such as this can never be complete, it is hoped that the adaptation suggested in Figure 4, contributes somewhat to the synthesising project outlined by Aaken, List and Luetge (2004); Heath (2003); Schofield (2000); and others.

2.3 Research Purpose

2.3.1 Governance and Failed States: Problems with Paradigms

The interest that gave rise to this thesis is a fascination on the part of the author as to how groups of people go about the process of organising themselves to work together to make decisions on the governance of their collective resources. This pursuit could take a number of forms and could be undertaken at any of several levels, and indeed different options were considered for research. In fact, the framework discussed above can usefully be employed in explaining this question and a response to it: at the broadest level, decisions on the governance of resources occur at every level at which collective choices are made. In this sense, governance can be defined as "... setting goals and making decisions for an entire collectivity, including individuals or groups who have not explicitly agreed to them" (Jachtenfuchs and Kohler-Koch, 2004: 100). However, after much consideration, the interest lay primarily at the meta-constitutional and constitutional levels, and therefore in relation to larger societies. Again, there are undoubtedly different types of 'societies', but in the contemporary context, an obvious approach is to consider society in the context of the nation-state. It is within this notion of the physically bounded polity that the meta-constitutional and constitutional rules that guide contemporary societies are overwhelmingly decided. To that extent, this research project is interested in a form of governance that is more specific than that defined above; one which comes closer to the World Bank preoccupation with governance as "... the manner in which power is exercised in the management of a country's economic and social resources for development" (World Bank, 1991: 1). Adrian Leftwich's definition is even more apposite:

Governance denotes ... the structures of political and, crucially, *economic* relationships and rules by which the productive and distributive life of a society is governed. In short, it refers to a *system* of political and socioeconomic relations or, more loosely, a regime. (Leftwich, 1993: 611, italics in original)

While Leftwich's focus on governance as a system or 'regime' usefully suggests an area for analysis, it nevertheless still provides insufficient focus for a research project. The review of theoretical literature above tackles the subject to a large degree: there is much written about socio-political governance where a state has been established, but much less about the process of the 'emergence' of that state in the first place. Much of the contemporary literature that does deal with the issue views it through the lens of the reconstruction of failed states, or else employs historical hindsight to promote the merits of one system or to bemoan the frailties of another. However, a key point raised in the introduction above is that the failed state perspective tends to 'problemetise' a process that must, logically, have occurred in every instance in which a state has become established. In the words of Shahar Hameiri, "... the label 'failed state' is itself problematic because of its propensity to stifle efforts to contextualise and better understand what are in essence very complex social phenomena" (2007: 123). The hindsight of history, on the other hand, is obviously rooted in examination of what has come before, and struggles to shed light on those cases where the social contract is still being renegotiated for implementation

in a nation-state context. Sadly, this tends to diminish the possibility of learning from real processes of indigenous state-building, with the emphasis instead being placed on the application of some predefined and 'time-tested' model or approach to state-building.

2.3.2 Deduction, Induction and Abduction

Given the concern with examining the process of emergence of a system of nation-state governance, with the dual aim of applying a synthesis of existing theories, as well as learning ways in which that theory might be adjusted in the light of reality, it was clearly necessary to select a theoretical framework that was suitable, both in its preoccupation with the emergence of a system or regime, and in its flexibility in accommodating adjustments reflective of experience. Equally, this requires selection of a case study that displays as many as possible of the features of an emergent system of state.

This two-way relationship between theory and case study analysis employs elements of both inductive and deductive reasoning in a form that is similar to that described by Charles Sanders Peirce as 'abductive' or 'retroductive'. For Peirce, deduction involves "constructing an image or diagram in accordance with a [wholly abstracted] general precept" (Peirce, 1958: 167), while induction is "the operation that induces an assent ... to a proposition already put forward" (Peirce, 1934: 414). Induction, reliant as it is on 'propositions already put forward' is incapable of generating new theory or significant theoretical modification; while deduction can do no more than employ 'idealised' theory to suggest "a promiscuous variety of consequences" that might arise from the performance of given acts (Peirce, 1958: 168). Abduction, or "reasoning from consequent to antecedent" (Peirce, 1935: 321) is capable of producing new ideas, "but there is no force to the reasoning" (Peirce, 1958: 167). In order to bring the required 'force to reasoning', Peirce argues that abduction offers a starting point, but must be followed by a process of testing through deduction and, finally, induction, thereby permitting the robust formulation or adjustment of theory (Blaikie, 1993: 164-165; Schlüter, 2007).

Peirce's interest in abduction was sparked by his observation that 'acts of infallible insight' which come to us 'like a flash' are required in order for a process of reason to advance beyond its immediate confines (Peirce, 1934: 113-114). For Peirce, the catalysts of such insights are frequently "some surprising phenomenon, some experience which either disappoints an expectation, or breaks in upon some habit of expectation ..." (Peirce, 1935: 320). In the case of this research, the 'surprising phenomenon' that motivates the project can be viewed both in abstract terms and specifically in relation to the case study selected. At a theoretical level, much of the literature on the institutions of social and political organisation, or more generally on 'governance', holds that humans will not tend to organise themselves into complex groups where the benefits of collective action do not clearly pertain to the individuals immediately involved. Yet, it is readily apparent that in many situations humans (and indeed other creatures; even organisms) do in fact partake in acts of collective action for such goals even where no apparent individual benefit accrues. This apparent anomaly has been reviewed above at some length, so is merely restated here. At the level of the case study, a practical manifestation of this situation

can be seen in the way in which different parts of the same (Somali) region have experienced such different outcomes over an extended period. The areas and communities on which the greatest external attentions have been lavished have tended to support the view that self-organisation is extremely difficult, yet the case study area has largely achieved just such an objective.

This case study level will be dealt with more thoroughly in the discussion below on methodology and then in the analysis itself. At this stage, the general point is that the catalyst for the research lies in the apparently anomalous observation that complex political organisation can occur, and on occasion has occurred, in a manner that can largely be described as endogenous. The aim of this project is to gain an understanding of a specific case in which this has occurred; to employ a body of theory (outlined above) in an attempt to deduce causes of the phenomenon; to apply that theoretically supported hypothesis to a set of qualitative case study data derived both from field work and from desk research; and finally to examine the original theory with a view to testing its validity in the context of the case study.

2.3.3 Social Constructivism vs Participatory Action Research

Peirce is considered to be one of the most eloquent codifiers of the pragmatic paradigm, himself citing the likes of Ferdinand Canning Scott Schiller, William James and John Dewey as loosely affiliated to his pragmatism (or 'pragmaticism') (Peirce, 1958: 165). Indeed, pragmatism, with its lack of commitment to a single unifying ontology or research methodology and its acknowledgement that research occurs within social, historical and political contexts (Creswell, 2009: 10-11) does offer some attraction for a research project such as this one. However, the concern here with understanding the role of the collective or social in constructing an existent political system, defined as far as possible through the subjective voices of participants, places it firmly in a social constructivist tradition (Creswell, 2007: 20-21).

By drawing Jürgen Habermas, John Rawls and discursive or deliberative theory in to the conceptual framework, some comment on the research project and participatory advocacy in research seems warranted. Many, drawing on the work of Habermas, Marx, Adorno and others in pursuit of an 'emancipatory' approach to research, have argued that social constructivism fails to extend the agenda far enough in advocating an empowering agenda (Creswell, 2009: 9). However, the research involved in this project does not employ a Participatory Action Research methodology or similar, and does not adopt an explicit advocacy or participatory paradigm as a basis. Indeed, the author explicitly prefers Rawls' political constructivism to Habermas's more broadly normative approach. It is nevertheless by no means coincidental that the work of the author in tandem with this research approach has extended to active involvement in Somaliland's political sphere. These endeavours include a chairing role with three Somali civil society organisations (the Anglo-Somali Society, Somaliland Focus UK and Kayd Somali Arts and Culture), as well as roles as a coordinator of international election observers for the scheduled 2010 presidential elections, and as administrative secretary for the All-Party Parliamentary Group for Somaliland in the UK Parliament. These formal titles do not define the extent of the work involved, but are suggestive of it. All the associated activities are intended to contribute

constructively to the continued development of Somaliland's political institutions, with an explicit commitment to the belief that that process must be led by Somalilanders themselves, but also that outsiders can play a significant role in supporting the process. In essence, that is very much in line with an advocacy agenda: a commitment to "... replace an extractive, imperial model of social research with one in which the benefits of research accrue more directly to the communities involved" (Kindon et al., 2007: 1).

The pertinent point with regard to this research is that, while it adopts an immediate approach that fits securely within the domain of social constructivism, it is effectively a component in a wider agenda on the part of the author which extends very much into what Creswell terms an advocacy paradigm (2009: 9).

2.3.4 Statement of Purpose

Given the theoretical and practical concerns outlined to this point, it is appropriate to state the purpose of this research project as succinctly as possible. The aim of the endeavour is:

To understand a contemporary Somali approach to socio-political organisation through examination of a case study that focuses on the Somali experience of negotiation and agreement on the cessation of conflict and the establishment of foundations for a system of national governance, in the territory of Somaliland. This will require review and analysis of both the historic context in which state formation has taken place in Somali areas, plus primary research on the process that occurred in Somaliland itself between 1990 and 1997. Through use of semi-structured interviews with key informants, augmented with a review of archival sources covering the context and events that occurred in the study period and before, the research examines a case that has received relatively little prior academic attention, using a lens synthesised through a combination of elements of discursive democracy and institutional analysis, to gain a deeper understanding of the collective and individual processes involved, while emphasising participants' own recollections of events and motivations.

The next step in the process must be to further specify the parameters of that research by elaborating a set of research questions.

2.4 Research Questions

Theories abound as to why people organise themselves into groups to achieve certain tasks. In the view of many, it is precisely this pragmatic ability/willingness to organise that sets us apart from many other species, while others point to examples of altruism, reciprocity and cooperation in a range of species as evidence that such capacity is not unique to humans.

Much theory assumes that some form of strong guidance is necessary - often taking a form similar to a Hobbesian social contract in which the members of a given society accept the leadership of a sovereign in return for the provision of a level of security and stability. This can be seen in the 'realist' assumption that a strong leader is needed to establish security, with the hope (but often no guarantee) that such a leader might be sufficiently benevolent as to permit or even encourage the growth of some form of popular representation as stability is established.

An alternative view, though, holds that another route might see the emergence of social order facilitated through a 'bottom-up' process of consensus-building and discourse. While a positivist or realist paradigm will almost certainly preclude such a process, theories such as deliberative or discursive democracy, drawing on social constructivist or advocacy paradigms, map out a basis on which such order might emerge. Coming from a different ontological perspective, much rational choice theory also supports this hypothesis, providing as a result of the simplicity implicit in an individualist methodology, a framework that lends itself to case study analysis.

At a general level, the essence of the political question is: why do people sometimes organise themselves into groups to pursue what might be termed 'political' or 'constitutional' goals, while in other instances, they find it exceedingly difficult to achieve this?

This broad interest can be specified in greater detail with regard to the selected case study and theoretical review, generating two overall research questions, plus several subsidiary questions:

- What are the contextual institutions that exist within Somali society that might hinder or support a process of state formation?
 - What evidence exists in Somali history of successful and unsuccessful state-building efforts?
 - What were the exogenous and endogenous factors that affected these outcomes at the constitutive level?
- How did the peace process between 1990-7 in Somaliland contribute to the production of the collective meta-constitutional resource, *liberty, justice and stability*?
 - What were the contextual institutions that pertained to this at the meta-constitutional level?
 - What constitutional rules-in-use were generated at that level?
 - How effective were they in facilitating durable agreement?
 - How representative and deliberative were the processes that enabled these meta-constitutional decisions?

These research questions touch on both theory and case study, and are intended to generate insights that can be used to refine the theory, much in the circular form described above as 'abductive'. In the course of that exercise, the analytical process will need to address a broader question. Specifically, this can be stated as 'having used the theoretical framework described as a basis for case study analysis, what refinements can be made to the framework in the light of the findings?'

Chapter 3. Methodology

3.1 Selection of Case Study

The research for this thesis was conducted in two parts: as has already been noted in *Chapter 1, Introduction* (page 9) and section 2.3 *Research Purpose* (page 45), primary research focused on the peace negotiations that took place in the self-declared Republic of Somaliland, in the north-western territory of the erstwhile Republic of Somalia between 1990 and 1997. The second research component involved looking back at Somali culture and history in an effort to build a sound understanding of the historical and social context in which the negotiations of 1990-97 took place. This section will outline in greater detail the reasons for selection of this case study.

Much of the focus on Somali politics is premised on the assumption that 'Somalia' is chaotic and lacking in any centralised state. While that view has long had some validity in Muqdisho, it is manifestly incorrect for other territories in the ethnically Somali areas of the Horn of Africa. Somaliland declared its own independence shortly after the end of the Somalia-wide civil war in 1991, but has not been recognised as an independent state by any other nation. In spite of that lack of recognition and the consequent, relatively low level of international engagement with Somaliland, the people of that territory held a series of meetings and conferences between 1990 and 1997 that resulted in a cessation of most conflict between clans in the territory, and the establishment of a system of government that has proven notably stable since. The foundation established over that period has enabled popular polls and elections. Firstly, a constitutional referendum was held in 2001, then presidential elections in 2002, local body elections in 2003, and elections for the House of Representatives in 2005. After many delays, a second presidential election is currently scheduled for June 2010.

That the process of reconciliation and formation of a system of government, and consequently of state, was progressed with such a relatively low level of external involvement makes Somaliland a near unique focus as a case study in primarily indigenously-based state formation.

In addition to this, Somali society tends to employ a highly consensus-based format for the resolution of governance issues at all levels. This element is by no means unique, but in tandem with the relatively low level of external intervention, combines well with the theoretical concerns of discursive democracy that also inform the specific interests of this project. As such, the Somaliland case from 1990-1997 fits remarkably well with the theoretical enquiry outlined.

Somaliland is also a small territory, both in terms of population and land area. While the road network is limited in the extreme, with a single sealed arterial route passing through sections of the country, its small size makes travel a great deal easier than it might have been. The relatively short period that has elapsed since the period of the case study also means that a greater number of those who were involved at all levels remain available for interview, and are likely to remember events with a degree of clarity.

There are, however, a number of apparently relevant issues which are not directly addressed in this project. Possibly the most obvious of these is the question 'why has it proven so difficult to find a resolution to the governance issues in the southern and central areas of Somalia?'. This is clearly a significant and worthwhile question, and it is hoped that this research will indirectly offer some insight that might be useful in contributing to a deeper understanding of the difficulties that have plagued that area. However, that question is difficult and the possible responses are subjective and controversial. While neither difficulty nor controversy represent good reasons for avoiding the question, they are reason to tread carefully. It is for this reason both that this thesis goes into as much depth as it does on social and historical context, and that the primary research component focuses on gaining as much depth of understanding of the relatively narrow confines of Somaliland between 1990 and 1997. It is hoped that this approach allows a thoroughly researched examination that will contribute in some way to addressing wider questions, both in Somalia and in state-building in post-conflict situations more generally.

In a similar vein, there would also be considerable interest in assessing the ways in which (or the extent to which) societies based on systems of migratory livelihoods, such as the model of nomadic pastoralism practised in the Somali territories, are amenable to a nation-state-based democracy. Again, while that is a valid and fascinating topic, it is only addressed peripherally here.

3.2 Period of Research

This research project and thesis began in September 2004, with enrolment on the MPhil/PhD programme at DPU on a part-time basis. As with any doctoral programme, the initial stages were devoted to refining the area of research and conducting an increasingly focused review of the relevant theory and archival material relating to the case study.

The field research that forms a significant part of this project took place over three periods: April and May, 2007; June to September, 2007; with final concluding interviews and follow-up enquiries between November 2007 and February 2008.

The researcher was present in Somaliland for the first two of these periods, with concluding interviews and follow-up enquiries taking place either in London, via telephone and email or else, in a handful of instances, remotely by the other two members of the research team.

The majority of the historical research designed to address the contextual research question on Somali history and what it has to say about the potential for and experience of state-building in history was conducted in London over the summers of 2008 and 2009 (July to September inclusive in each year).

3.3 Research Methods

The period of primary research is clearly rooted in relatively recent history. Conveniently, the relevant events therefore occurred within easy living memory of many of those who were involved, making the task of gaining an understanding of their recollections of those events and the motiv-

ations that led to particular sequences of action much easier. Nevertheless, the process did pose a number of specific challenges. Firstly, gaining an understanding of the respective role of institutions and individuals in specific decisions and acts requires a depth of understanding of subjective situations that does not lend itself to the more quantitatively-inclined research methodologies. The data required sits at a junction between 'biography, history and society' (Riessman in Holstein and Gubrium, 2003: 333), for which the most appropriate method of enquiry must involve some form of narrative analysis. The strength of personal narrative in providing "... access to both the individual and the social, ... [making] it possible to see connections between them" (Laslett, 1999: 392) also fits comfortably with a theoretical concern with examining the role of the collective vis-à-vis the individual in socio-political organisation.

It might appear paradoxical that analysis of the social and political approach of what remains a heavily patriarchal society should draw so heavily on research methods that originate in academic feminism without an explicit advocacy agenda. However, that apparent paradox does not invalidate the approach, and in any event, the issue of gender relations and the political role of women in Somali society remains one of the wider concerns of an action agenda that extends beyond the scope of the immediate research project. In addition, and as noted in section 3.5 *Ethical Considerations in Primary Research* (page 58), an effort was made, albeit with only partial success, to ensure that women were interviewed in relation to each of the sequences of events that make up the case study period. As noted, this does not amount to advocacy as it remains an extractive research approach. However, it does ensure that some profile (albeit far from a representative one) is provided for the voices of women who were and continue to be affected by the events that took place.

Personal narratives must, naturally, be augmented with other forms of research; most notably a comprehensive review of literature on both the period in question, the history that informs that period and the social structures that determine relations between participants and so on. That case study-specific literature review must then be integrated with accounts derived from interview narratives. Essentially this approach follows Paul Thompson's principles for oral history. The researcher must (from Candida Smith in Holstein and Gubrium, 2003: 348; Thompson, 2000: 272-274):

1. Review each interview for internal consistency and with a view to discerning the general thrust of the narrative being presented;
2. Cross-check the information contained in the interview with a variety of sources, including other interviews from the same location and additional literature; and
3. Review the interview in the context of the researcher's own understanding of the wider context in which events took place.

In accordance with these three steps, the first task in the process involved comprehensive review of existing sources covering the social and political contexts pertinent to the case study, as well as available accounts of the events themselves. This review of archival material provides part of the basis on which the second and third of Thompson's principles can be applied:

namely the 'additional literature' and the 'wider context' that must inform the process of cross-checking information within the interviews.

A large part of this desk research relates to the contextual research question 'what evidence exists in Somali history of successful and unsuccessful state-building efforts?' If an understanding of the processes pertaining to Somaliland between 1990 and 1997 is to be rooted in an interpretation of history that is relevant, yet is interpreted through a theoretical tradition that is largely derived from classical and western philosophical traditions, then this sense of Somali history as it pertains to state formation and state-building forms an essential adjunct to examination of Somali social and cultural tradition more generally. A significant amount of time was consequently devoted to historical desk and library research, and a substantial portion of text in this thesis is devoted to the same.

The primary component of the research naturally involved field work (see section 3.2 *Period of Research*, page 51 for further detail on dates). Over those periods, 65 individuals were involved with the interactions, taking part in one or more of four styles of interaction: 41 took the form of individual interviews; 30 took part in five group discussions (some participated in more than one of these group discussions); three individuals were interviewed on video (for use in an accompanying short film); and much follow-up involved informal verbal or email communications with the researchers⁷. I was very much assisted in this process by two other researchers, Koss Mohammed and Mahamoud Omer Ali, who worked as interpreters and also conducted some of the interviews themselves. I was present for almost all the individual interviews and most of the group discussions. When the dialogue was in English I generally asked the questions. Where the medium was Somali, Koss or Mahamoud led the process. We worked closely together throughout the primary research phase, from preparation through interviews themselves and on transcription and analysis. One interview, that with Mahamed Ibraahim Warsame 'Hadraawi', was conducted by me in London in Somali, with Ayaan Mahamoud acting as interpreter.

All interviews were recorded in some form - either in audio, on video, or in a very few cases, in summary form as written notes. In most cases, audio and video recordings were transcribed or, in some cases, partially transcribed. Wherever possible, the sources referred to in the case study description are those transcripts.

3.3.1 Peer Review and Research Support

The author of this thesis was one of three primary researchers. As well as gathering information for the thesis, the narratives provided the basis for production of a report on the same case study, which was published by Interpeace and the Academy for Peace and Development under

⁷. See Appendix 4 for interview schedule. A number of interview subjects participated on several occasions, and in some cases in more than one interview format, so the total adds to more than the 65 individuals that took part.

the title 'Peace in Somaliland: An Indigenous Approach to State-Building' (Walls et al., 2008). As noted, a short film was also prepared to accompany that report.

The interview subjects were selected specifically to allow for the cross-checking referred to in Thompson's second principle, to be read in conjunction with archival published and unpublished material addressing the same events. In the spirit of that principle, informants for interviews and discussion groups were selected from different political and clan groupings, with specific effort to include those who were involved on different 'sides' in a given conflict, negotiation or conference.

Finally, as part of the Interpeace/Academy for Peace and Development process, a draft of the case study in the form of the above-mentioned report was reviewed by a group of peers with acknowledged expertise in the field⁸, with suggestions reviewed and incorporated where appropriate.

This iterative process of reviewing narratives for internal consistency, cross-checking accounts against other views of the same events, and subjecting the resultant account of the case study to peer review, goes some way to ensuring that the understanding reflected in these pages provides a fair representation of the perspectives of events held by the main parties to those events.

Accuracy in itself was not, of course, the primary concern. A number of inconsistencies were apparent between accounts, and these often suggested subjective interpretation of events that, on occasion assume considerable significance in their own right. Comments on this phenomenon are offered in section 3.4.2 *Inconsistencies in Narrative Detail* (from page 55).

Finally, both theory and case study have been subject to peer review through a seminar, several conferences and a number of papers. The seminar took the form of a PhD school with Elinor Ostrom, for which a paper was prepared by the author and discussed at length over a nine-day, residential workshop in Freiburg, Germany (Walls, 2007). The conferences were the International Peace Research Association's annual event in Leuven, Belgium; the Leeds University Centre of African Studies conference on Democratisation in Africa; and a St Andrew's University conference on 'Globalisation(s) of the Somali Conflict', at each of which the author presented a paper. For Leeds and St Andrews, the papers were jointly written and presented with Steve Kibble (Kibble and Walls, 2009; Walls and Kibble, 2010), while an adapted version of the Leuven paper was published in the Royal African Society's journal *African Affairs* (Walls, 2009d).

⁸ Four peer reviewers were selected and the review process managed by Interpeace, Nairobi.

3.4 Limitations of Research Approach

3.4.1 Language

The most obvious practical challenge for this research project lay in the fact that the author does not speak Somali. This challenge did not prove insurmountable for a number of reasons. Firstly, the nature of the case study is such that the majority of informants involved in the primary research component are educated leaders within their clans and communities. Somaliland's history as a British protectorate means that many of these individuals speak English, in many cases fluently. The situation with respect to secondary research was somewhat different, as the author's lack of depth in the Somali language did preclude access to most Somali-language literature.

In the primary research effort, every effort was also made to interview a selection of those who did not hold elite positions as leaders, and for that group many more did not speak English. In addition in some instances, informants with an excellent command of English preferred to recall historic events in Somali. On a number of occasions, therefore, interpreters were used. The two co-researchers mentioned in section 3.3.1 *Peer Review and Research Support*, page 53, periodically acted as interpreters and were ideal for the task as both knew the case study intimately. On a number of occasions, they also conducted interviews alone, preparing notes or a transcript of the interview.

The author also took Somali language lessons over a period of time, both in London before departing for the research; in Hargeysa, throughout the longer research period; and again in London after the main research period. These lessons were not sufficient to overcome problems with spoken language where they arose; merely to permit knowledge of a few words and phrases. This knowledge was helpful on occasion in creating a pleasant and relaxed environment for interviews, although in the primary research little more than that. In secondary research, this language tuition was somewhat more effective in that the very basic Somali gained did permit the author to consult some archival records in Somali. Nevertheless, on the whole, secondary research had to be carried out in English, and this will certainly have affected the study.

There were also times when problems with language affected the primary research process. In some instances, there can be no doubt that a lack of linguistic clarity has had an impact on the author's understanding of the events, motivations and relationships being described. Every care was taken to seek clarification where possible; names were, as far as possible, spelled out; and where contradictory or inconsistent narrative details were encountered, third and often fourth party verification was sought. This was not sufficient to overcome all problems, but in the context of the research project, it is felt that a sufficiently high standard of research was achieved.

3.4.2 Inconsistencies in Narrative Detail

The particularities of the case study tended to confirm the appropriateness of the methodology as the primary research phase progressed. Interviewees recalled key events with reasonable consistency in terms of what happened, but there were discrepancies in remembered dates and other details. However, where the informant offered opinion on the motivations for those events or those responsible for the instigation of particular sequences, accounts tended to differ markedly. The same was true with accounts of what were widely acknowledged as pivotal events. It was fairly apparent that there were two primary causes for these inconsistencies; the first was individualistic, relating to the role that the interviewee had played in events and the position they wished to accord themselves in relating that role. The second cause seemed to be a collective one, deriving from the shared memory/history that had evolved amongst specific kinship groups.

In the course of the research, numerous examples of differing narrative detail arising from each of these two causes were encountered. An instance which illustrates the first, individualistic basis for inconsistency between accounts can be seen in the recollections of those involved with the Somaliland Peace Committee that assumed a mediation role in the Bur'o and Hargeysa conflicts that erupted between November 1994 and July 1996 (for further detail on this episode, see Walls et al., 2008: 23 and from page 143), compared to those of others involved in leadership positions in the conflict and in efforts to broker peace. For the Peace Committee, their viewpoint emphasises their role in bringing antagonists together, and the part they played in eventually achieving a settlement (Peace Committee, 1997). On the other hand, Ahmed Mohamed 'Siilaanyo', who was actively involved as a leader of the Habar Je'lo in negotiating with both the Government and the Habar Yoonis opposition recalls the Peace Committee role as peripheral, while emphasising the Habar Je'lo part in bringing about agreement (Ahmed Mohamed 'Siilaanyo', 2007a).

A notable case illustrating a collective basis for differing recollections relates to a letter that was possibly sent by Habar Yoonis in 'Eerigaabo to delegates from the three other Sanaag clans who were meeting at the time in the town of Garadag. Much controversy surrounds that letter, with Harti (Dhulbahante and Warsangeli) delegates apparently offended when the letter was read out as it included a call by the Habar Yoonis for fellow Isaaq clan members, Habar Je'lo, to abandon their friendly relations with the Harti in favour of a renewed alliance against the Dhulbahante and Warsangeli, effectively rejecting the overtures for peace made by the Garadag delegates (Ahmed Hassan Mohammed, 2007; Ismail Haji Nur, 2007; Jaamac Warsame Jaafaal, 2007). According to some, this gave rise to calls for a joint Harti/Habar Je'lo attack on the Habar Yoonis in 'Eerigaabo (Adan Awad Ahmed, 2007; Ismail Haji Nur, 2007). Habar Yoonis respondents either denied that such a letter existed, or agreed that a letter had been sent but that it was replaced in transit by a more inflammatory version which caused the insult (Ismail Haji Nur, 2007; Mohamud Dirir Hawl, 2007). The implication associated with claims that the letter had been swapped in order to provoke a split in the Habar Je'lo/Harti alliance is that renegade mem-

bers of the Habar Je'lo group charged with delivering it were responsible, and Habar Je'lo respondents tended to be very wary of questions on the subject, denying that there had ever been such a letter (Abdi Dheere, 2007; Adan Awad Ahmed, 2007; Yusuf Mohamed 'Tuke' Ali, 2007).

While such difficulty in identifying the 'facts' about events might be the basis for frustration for the committed positivist, the significance of the differences in view do seem to bear some relationship to the identification of individuals from specific sub-clans with maintaining narratives that are consistent with an internal interpretation of relative roles; either of the individuals concerned or of the collective. As noted, the example regarding the letter derives in large part from collective differences in recollection: the letter in question and the role it may have played in explaining the Habar Yoonis attitude to peace and talk of a joint attack on 'Eerigaabo were pivotal in the final stages in the Sanaag peace process, and the view of events held by each party informed the collective position held by that party in a very specific series of final negotiations which culminated in the all-clan conference in 'Eerigaabo.

That these differences in position and in narrative remain in evidence at the time of the research, fourteen years after the events in question demonstrates both a challenge and a strength in the research methodology. By ensuring that informants were drawn from each of the main sub-clans, it is possible to develop some perspective on the rationale and decision-making processes that were employed in the process of reaching vital decisions. This is made easier by the entrenched nature of the differing collective narratives. However, we are often left with a degree of uncertainty as to the actual sequence of events. This matters in so far as it informs analysis of those actions. That is to say, if we do not know for sure which of several competing and mutually exclusive accounts is the most accurate, then we cannot be sure that we are analysing the most significant occurrences. This, coupled with the added work involved in ensuring that a range of differing perspectives were always canvassed adds a degree of complexity to the research process.

3.4.3 Interview Participants Prefer Narrative to Motivational Reflexion

One of the original questions that sparked an interest in this doctoral research project was a desire to understand the motivations of participants in a process of state formation. In many ways, as has already been recounted, Somaliland offered an unparalleled opportunity for that research. However, in the event, it proved extremely difficult to get interview subjects to offer opinions on their own motivations, or those of others, for taking specific actions.

In hindsight, it is clear to the author that even where individuals are willing to engage in reflexive discussion on motivation, any description or analysis offered must inevitably offer an imperfect picture of a highly complex set of emotive, instrumental and peer-influenced reasons for any given action. Indeed, during the Somaliland research, it was notable that those interviewed were more than happy to discuss their views on what happened, but they were resistant when asked to offer analysis of the personal reasons for those actions. That is not to say that interview subjects were unwilling to comment on the 'rightness' of specific actions: the issue related specifically to motivation.

In the opinion of the author, this reflects a cultural distinctiveness that is specifically Somali, though hardly exclusively so. In contrast to the New Zealand and UK environments in which the author has worked for many years, Somali interviewees were not so inclined to engage in self-reflective conjecture on personal motivation. In fact, one wonders if the task of understanding motivations would have been much easier if this had been different. While Anglo-Saxon traditions, amongst others, might be permissive of more lengthy self-reflection, it is quite possible that such conjecture would add little to a genuine understanding of motivation.

Whatever the case, the experience in this instance was such that the individual motivations of participants can only be inferred. In some way, this means that one of the early concerns that drove the research remains unaddressed. While that is superficially disappointing, the author feels that significant insight into the process of state formation was still possible, meaning that the research itself retains its validity.

3.4.4 Risk of Inflaming Past Grievances

Related to these factors, and in fact to one of the key findings of the research, was the risk that the process of primary research would refresh memories of grievances that had been laid to rest. The relationship between this and the narrative inconsistencies mentioned can be viewed in terms of the key research finding that a systematic process of ‘forgetting’ grievances was employed as a means of moving beyond the immediate causes of conflict. Known by some as *du-udsi* (denial), and by others by the euphemism *halaydhalay*, which refers to the process of starting relations afresh without accounting for past antagonisms, this tactic involved agreement between parties that compensation would not be calculated for a given period of war as the process would be impossibly complex. Instead, those involved agreed that the past would be forgotten. While this proved an effective method for resolving a number of crises in the research period, it tends to result in groups and individuals internalising grievances rather than truly forgetting them.

The risk of re-inflaming tensions through the process of interviewing informants was therefore a real one, discussed at some length within the research team and, on several occasions, raised by informants themselves.

3.4.5 Reliance on Secondary Material

As has already been noted with respect to the limitation regarding the Somali language, reference to archival material on history and custom was largely limited to English-language sources. In addition to the problem of language, it should be noted that reliance on secondary sources for a substantial component of the research is, in itself, problematic. Clearly, every author will incorporate their own biases and interpretations into their written work. As far as possible, these biases have been recognised and accounted for, although this can never be wholly accomplished. The literature used in this pursuit was generally related to periods in history too distant to allow for primary research, or else the authors consulted are so significant in the field

that ignorance of their perspective would be unacceptable. Once again, this is noted as a limitation because it cannot be fully addressed.

3.5 Ethical Considerations in Primary Research

This risk of re-igniting tensions that had been largely laid to rest is clearly at least as much an ethical problem as a limitation of the research approach, and relates also to the trust built by the researchers with a range of informants. In that context, the fact that the primary research described in this thesis was undertaken with the support and involvement of both management and staff of the Hargeysa-based NGO, the Academy for Peace and Development, proved extremely important. The Academy's role as a forum for discussion on how the primary research should be carried out, who should be interviewed, where the research team should travel and so on were vital in enabling the establishment of a programme that covered sufficient ground, and included representatives of the primary, and as far as possible secondary or tertiary perspectives on the conflicts, meetings and negotiations under consideration.

The involvement of Academy researchers, Koss Mohammed and Mahamoud Omer Ali, in the research programme itself was equally vital as they provided 'real-time' input into the interviews that were taking place. Indeed, in an environment in which clan and sub-clan play such a large part, it is perhaps worth noting the affiliations of the researchers. This is recorded advisedly: every effort was made by each of the three researchers to transcend the immediate concerns of ethnic or clan affiliation. However, Mahamoud Omer Ali's Habar Awal lineage and Koss Mohammed's eastern Habar Yoonis identification did inevitably lend a flavour to the approach taken. Similarly, the author of this thesis, Michael Walls, identifies as a New Zealander, and so is outside the Somali lineage system. That fact too, had a direct influence on the manner in which the research was conducted, questions were formulated and asked and responses interpreted. It is also noteworthy that this trio included one person permanently resident in Hargeysa, one a member of the Somali diaspora temporarily resident in Hargeysa, but since returned to London, and the third, the thesis author, a non-Somali visitor permanently resident in London. If nothing else, the research team represents a mix of gender, ethnicity/kinship and residency affiliations.

These influences are, of course, inevitable, and they are stated here only for the record.

One further role played by the Academy was in facilitating informal and formal peer review of the case study material prepared. Considerable input was sought by the researchers, and provided by Academy management in the form of confirmation and clarification on key points. A formal peer review process was then instigated by Interpeace, working with the Academy, in which four peers with knowledge of the case study period were asked to read the case study report and to comment on its accuracy, to highlight points on which they agreed and so on. These comments were incorporated where appropriate into the report, which has been separately published as Walls et al., 2008.

These formal and informal review processes were vital in checking perspectives, identifying potentially sensitive material and generally in improving the accuracy of the case study as a representation of the perceptions of those who took part in the events described.

It is largely inevitable that research of this type will engage primarily with elites. The topic itself demands an understanding of the actions and motivations of those who assumed leadership roles in the various conferences, meetings and conflicts. In a society with as patriarchal a culture as that of the Somalis, it is also ineluctable that that elite will be dominated by men, and that was indeed the case in this instance.

Effort was made on the part of the researchers to include the voices of women, in particular. However, those efforts were not wholly successful. A number of women approached for interviews were not willing to take part formally, and of those who did, they were not always comfortable speaking in detail about the events under review, let alone their own roles in them. This was not always the case, but women interviewed individually tended to be less forthcoming than those who took part in the group discussion that was convened for the research (Anab Omar Ileye et al., 2007).

In numerical terms alone, the domination of men is clear: 56, or 86% of respondents, were men and that domination is even more pronounced when the greater willingness of men to talk openly is taken into account.

As is common practice, all interviewees were told the nature of the research and were given the opportunity to decline to take part. Most interviews were recorded on either a digital or cassette recorder, or in a few instances, on video. In all instances, permission was sought for the recording, and the recorder was used openly.

A few of those approached for interviews did decline. Initial contacts were often made through local colleagues (typically those at the Academy for Peace and Development), as this ensured that the context was explained fully and in a setting in which the prospective informant could comfortably decline.

In only one instance did an interview subject ask that he not be cited, and he subsequently rescinded this request.

The vast majority of those approached for interviews seemed to readily accept that the research goal of understanding the processes that occurred between 1990 and 1997, and the ways in which they contributed to the establishment of what has become a durable stability, was a worthy one and there was no evidence that informants were reluctant to contribute to that pursuit.

Chapter 4. Case Study: The State in Somali Society and History

Recalling Mamdani's insistence that analysis of political actions be grounded in historical 'specificity' (see page 13), this chapter undertakes to establish that specificity with regard to the case study selected. It tackles that task both by examining the socio-cultural institutions that inform Somali political decision-making and through a detailed examination of Somali state-building and social and political organisation through history.

The chapter is based on secondary literature, but it builds on that literature in two ways that ensure a distinctive contribution. Firstly, it gathers together an unusually wide range of Somali and non-Somali sources, synthesising the views of the authors and interpreting these diverse accounts in the light of the personal engagement of the author of this thesis with Somali political processes. In that sense, the distinctive feature lies in the combination of the extent of the sources consulted, and the unique perspective of the author, synthesising material on culture (including poetry), through more 'traditional' works of history and anthropology as well as narrative accounts of specific events.

The second point of distinctiveness lies in the examination of that secondary material for events, processes and customs that relate specifically to the process of state building and political organisation. By utilising this combination of breadth with a specific focus on political organisation, the author seeks to establish a specificity to the case study that is sufficient to support the conclusions that are arrived at in the subsequent analysis.

4.1 Introduction to Somali Society and Custom

Any examination of peace- and state-building in Somali territories must be grounded in at least a basic understanding of customary Somali socio-political systems as these are precisely the norms which define the contextual institutions highlighted in the adapted framework presented in section 2.2.4 *An Adapted Framework* (from page 39). Custom covers a wide range of areas, and the key themes will be explored in the coming sections. Many govern the main endogenous concerns, which the framework identifies as 'distribution of assets and liberties' and 'contextual institutions (endogenous)', but the following discussion will also address wider issues that extend into the exogenous realm. One such is the vexed issue of *Soomaaliweyn* - an idea of Somali unity which has come to signify a yearning for the achievement of a pan-Somali political union, and which therefore has to deal with clearly exogenous factors such as the presence of colonial-era land borders. The customs and history outlined in the following pages naturally also bear heavy influence on each of the other levels on the adapted framework. As well as informing meta-constitutional situations, the interplay between Islam and Somali tradition particularly influence the formation of collective-choice and operational rules-in-use, and are represented in the framework as 'contextual institutions' at each level. The closeness of the relationship between the biophysical world and contextual institutions, too, is evident, with the marginality of the environment in which Somalis live evidently and directly influencing all aspects of life.

A related task in this section is to present a view of the complexity and sophistication of Somali society that challenges the monochromatic views which tend to dominate many analyses of Somalia and the Somali presence in the Horn of Africa. Some such views were previewed at the beginning of the thesis. In those instances, they tend to arise from external commentators positing views on state failure that equate the Somali situation with lawlessness and anarchy. In fact, Somali commentators too sometimes fall for the allure of the broad generalisation, exercising a similar propensity for seeing Somali society as existing in a perpetual state of 'egalitarian anarchy' (Said S. Samatar, 2003: 29). Indeed, as is the case with any complex society, Somali custom is an area of considerable sophistication, and has been the subject of specific scholarship in the past. This thesis does not undertake to present the findings of primary research on the principles of Somali customary law, but relies on the work of other scholars and commentators in that area.

The primary focus of this thesis is on the northern areas that fall within the colonial borders of the ex-British Protectorate of Somaliland⁹, so this review similarly concentrates on those areas, although reference is also made to more widely held traditions.

Historically predominantly a pastoralist people, the majority of northern Somalis have long practised a form of pastoral nomadism that bears similarities to transhumance, although covering a wider area with looser patterns of movement, depending on season and rainfall¹⁰. In the southern Somali areas, and concentrated particularly along the two large rivers, the Shebelle and the Jubba, there are significant populations practising agriculture or agro-pastoralism. A similar pattern exists in the northern regions between Hargeysa and Jijiga in Ethiopia, although on a smaller scale (Lewis, 1999, 2002).

⁹ *The issue of names is clearly significant. The clans that traditionally inhabited the territory of the erstwhile British Protectorate of Somaliland were frequently referred to as Beelaha Waqooyiga, translating literally as 'the Clans of the North'. The territory of the British Protectorate was similarly referred to as Gobolada Waqooyiga or 'the Regions of the North'. The terms 'northern clans' and 'northern regions' will therefore be used herein to refer to the clans and territory of the colonial-era British protectorate. This is at odds with the contemporary preference amongst many international agencies for the term 'North-West' (as in 'North-West Somalia') when referring to Somaliland, but it reflects local usage more closely. It also reflects colonial borders which bore only a passing relationship to ethnic boundaries. However, because the thesis is focused on the transition of a section of the Somali territories that continues to be defined by those colonial borders, this is taken as the most appropriate reference point.*

¹⁰ *It is surprisingly difficult to find a clear definition of transhumance, with many anthropologists and geographers equating pastoral nomadism with transhumance (for example, Nugent and Sanchez, 1993: 110n; Niamir-Fuller, 1994). The origin of the usage of the term lies in the mountainous areas of Europe, in which communities residing predominantly in fixed villages pasture their livestock on a seasonal basis in high valleys to take advantage of lush summer grasslands (for further discussion on this definition, see Jones, 2005). That definition would suggest that the traditional patterns of movement of northern Somalis do not make them a transhumant society. The point here is that the form of nomadism they do practise nevertheless follows more fixed patterns of movement than is sometimes understood by the term 'nomadism'. Somali pastoralists tend to move within the same large areas each year on the basis of identified clan custom, and with somewhat regular migration to and from given areas in particular seasons (for clan areas, see 'Figure 9: Major Clan Areas in Somaliland and Neighbouring Territories' on page 194). This is an important feature of northern Somali social and spatial organisation as will become apparent as we begin to consider the series of conflicts, negotiations and state-building initiatives that mark our case study material.*

While ethnically and culturally most closely related to other Hamitic groups in the lowlands of the Horn of Africa, most Somali lineage tradition nevertheless traces ancestry to Arab forebears (Lewis, 2002: 4-5). The camel-herding 'noble' or *bilis* lineages of Isaaq, Daarood (Harti), Gadabuursi and 'Iise dominate the northern regions within the borders of ex-British Somaliland, while a 'trade caste' known as the Gabooye occupy a subordinate social position and are distributed throughout the territory.

Naturally, women play a significant role in Somali society, but formal social and political structures are heavily weighted towards a patriarchal hierarchy. However, the role played by women has changed notably over the years and continues to shift in the contemporary period.

Finally, the role of Islam must be noted. Somali society is one of the most religiously homogeneous societies, although again, significant sophistication and no small tension between supra-religious custom and Islam are also notable features of Somali society.

Each of these points is examined in greater detail in the following sections.

4.1.1 Heer, Mediation and Compensation (mag)

Social relations in Somali society are based on a system of customary contract known as *heer*, adjudicated by ad-hoc committees of elders, often assembled as needs require. The fundamental contracting group is the *mag*¹¹, or 'bloodwit'¹² group, the members of which act as guarantors of the good behaviour of fellow members, on pain of having to share the burden of compensation on any member's behalf should they be adjudged the guilty party in a dispute.

Each *mag* group is represented by one or more informal leaders or '*aaqil*'; a term which is sometimes translated as 'chief', but which is primarily an influencing, negotiating and chairing role, rather than one which grants the incumbent authoritative power. During the time of the Somaliland protectorate and the Italian colony and trusteeship, both colonial administrations attempted to co-opt the role by paying a stipend to '*aaqils* or their equivalent (the more correct plural form would be '*aaqilo*) in return for work on behalf of the colonial administration. A similar practice had earlier been employed on a more limited basis by Egyptian administrators, and quite probably before that (Abdi Ismail Samatar, 1989: 32; Lewis, 1999: 200). It has also been continued and adapted by subsequent Somali governments. This has resulted in a burgeoning number of '*aaqils* over a long period, and also in the politicisation of the role.

There is a clear hierarchy of traditional roles in which the '*aaqil* is only one, but all retain an emphasis on negotiation, mediation and facilitation. It is therefore misleading to describe Somali society as either acephalous on the one hand or employing a formal hierarchy of power on the

¹¹. The Arabic term *diya* is preferred in much literature on the subject, but the Somali term *mag* is used in this case.

¹². Bloodwit or bloodwite along with the terms *wergeld* and *bot* arise from Anglo-Saxon usage, in which a system of compensation for homicide and injury shows notable parallels with (and, of course, differences to) equivalent systems found in Arab (*diya*) and Somali societies. Unsurprisingly, the Anglo-Saxon system showed greater differentiation on the basis of hierarchy than does the Somali system (Rubin, 1996).

other, without a great deal more accompanying context. There are certainly differentiated levels of influence and respect, and these carry great weight. Typically, the customary system is also heavily biased against individuals who assume too much direct authority in the eyes of their respective communities, while according considerable autonomy to those who act as mediators or facilitators. In hierarchical terms, a number of titled elders sit at levels above *'aaqil*, and the terms used can differ slightly from clan to clan. Generally, though, *garaad*, *ugaas*, *boqor* and *suldaan* all refer to positions of greater seniority than the *'aaqil*.

Somali political institutions tend to display a "... lack of any clearly defined authority roles ..." (Laitin, 1977a: 27), and that tendency is more pronounced in the north than in the south (Lewis, 1999: 241). Nevertheless, as Virginia Luling notes, even "... the loose form of political organisation found ... in southern Somalia, though it allows a higher degree of authority to clan elders than in the north, does not generally give permanent power to any fixed hereditary office" (Luling, 1971: 357). As the discussion in this thesis is focused on the northern regions, comments on hierarchy reflect the greater egalitarianism in that area in comparison to the south, but remain generally valid for all Somali areas.

When disputes arise, the onus falls first on the head of the families involved if between two such units (also see note 14 on page 66 regarding use of the term *'jilib'*), or else on the *'aaqil* of affected *mag* groups to attempt to negotiate a settlement. If the problem proves intractable, a mediating group might step in. The membership of that group would need to be sufficiently senior and independent of the immediate problem as to command the respect of the protagonists. The individuals may be from the clans or sub-clans involved, or they may be external and therefore considered independent. Any individual or group who assumes such a mediatory role may be referred to as a *guurti*, a term that has more recently been institutionalised and, many would argue, politicised in the Somaliland context through its application to the upper house of Parliament. The essential etymology of the term, though, refers more generally to the necessary wisdom of any person or group responsible for mediating disputes.

There is also room for additional mediation at the instigation of an even more loosely defined group of respected individuals formed with the specific purpose of mediating particularly difficult conflicts. The generic term *ergo*, or simply 'delegation' is sometimes used in this context.

The enforcement of *heer* revolves around sets of fixed compensation levels for specific acts. Although the Abrahamic tradition of 'an eye for an eye' (and consequently 'a life for a life') is formally acknowledged as a basis for compensation calculations, it is not traditionally taken as literal¹³. The death penalty is consequently applied only occasionally for cases of murder, with fixed rates of compensation generally preferred. No differentiation is made between premeditated and spontaneous killings, or weight given to the intention of the offender. Instead a stand-

¹³. Much contemporary media coverage has focused on the application of a literal version of this principle in some areas in the south of Somalia (for example, see BBC News, 2006; Die Welt, 2009; Mareeg Online, 2010; Mohamed Mohamed, 2009). Rather than representing an application of an historically prevalent customary Somali interpretation of shari'a, this is in fact a departure from tradition in favour of a much less tolerant interpretation.

ard compensation is calculated, using a traditional formula of 100 camels for an adult male victim, 50 for a female, and 33 for a child. Variations to these procedures are acceptable by mutual agreement, but are not considered to be precedent-setting (Notten, 2005: 55-56).

A complex schedule of fixed penalties exists for a range of offences, including physical injury, damage to property and defamation, and the pursuit of justice is very much a matter between families, *mag* groups or lineage units rather than individuals (Notten, 2005: 55-61 & 65). Such defined remedies for specific social infractions provide a direct parallel to the formal judicial sanctions available in other systems, and can be categorised as operational rules-in-use within a specifically constitutional regime. In their 'institutionalised' form, they represent collective-choice artefacts or resources, albeit non-codified ones.

Somali customary law is based on sets of principles. It is not rigid, as there is explicit recognition that too great a level of specificity in law will fail to provide the flexibility necessary for dealing with the vagaries of day-to-day life. Those principles have evolved around the dual focus of protection of the rights of the individual to life, liberty and property as well as the individual's commitment to family and clan (Notten, 2005). In the context, the related processes of adjudication, mediation, negotiation and consensus-building carried out with a commitment to transparency and in good faith are the critical mechanisms for the application of recognised principles. Rhetoric and oratory are prized skills, as the ability to persuade others of the veracity of an argument will contribute directly to the achievement of a more advantageous agreement.

All able-bodied men are expected to play a full part in social and political life, and tend to be designated either *wadaad* (those learned in Islam), or *waranle* (literally 'one who owns a spear' Rashiid Sheekh 'Abdillaahi Gadhweyne, 2009: 121n). *Wadaads* (correctly *wadaado*) are expected to avoid calling for or participating in war, while *waranle*, as the name suggests, are expected to fight if necessary, with honour in large part relating to their demonstrated fighting prowess (Lewis, 1999: 27-28; Rashiid Sheekh 'Abdillaahi Gadhweyne, 2009: 121).

When conflict does occur, there are clearly understood principles that govern the conduct of war (*heerka biri-ma-geydada*). These rules centre on a principle captured in the Somali name for the rules themselves: *biri-ma-geydo*, which is translated by some as 'immune (or 'spared') from the spear' (Bradbury, 2008: 18; Hoyland, 1999: 19; ICRC, 2008). The principle here is that mediating and senior elders, religious scholars (*wadaads*), women and those who are elderly or frail must be protected from any fighting (Bradbury, 2008: 18; Rashiid Sheekh 'Abdillaahi Gadhweyne, 2009: 57). Further than that, while the looting of camels and some other major assets might constitute acceptable practice, the theft of goats and sheep, and household items was proscribed, thus limiting the impact of war and ensuring that the goal of conflict was prevented from extending to wholesale destruction of the adversarial party or parties (Bradbury, 2008: 18; Notten, 2005: 28).

This can be seen as a means of stabilising the regime by introducing specific constitutional rules-in-use that serve to ensure that the distribution of assets at times of conflict is not so disrupted as to fundamentally undermine meta-constitutional arrangements. In other words, some-

thing of a feedback mechanism that works back up the levels - something which systems theory would suggest we should expect, though it is not represented explicitly as a feature in the framework as it stands.

4.1.2 Clan

Underpinning each of these roles and their relationships with their constituent populations is the segmentary clan system. Members of *mag* groups can be drawn from several sub-lineages, where all will be able to trace their ancestry back by between four and eight generations to a common founder (Lewis, 1999: 6). Naturally, there are a great many Somali terms relating to clan and sub-clan units. *Raas* is often used to refer to the smallest, equivalent simply to a household or extended family, with *jifo* denoting a kinship group able to trace agnatic descent back by about three generations; *jilib* can be used to refer to a *mag*-paying group, or to a sub-clan¹⁴ (Abdi Ismail Samatar, 1989: 25); while *qolo* or *holo* is preferred when discussing a somewhat larger composite lineage group, broadly analogous to a clan. The term *reer* refers to a settlement and can denote either a clan-related subunit living in proximity to each other (Rashiid Sheekh 'Abdillaahi Gadhweyne, 2009: 104), or to a larger unrelated group (for example, the long-term residents of a town or city). *Tol* refers to a collection of larger clan units and can also be used with reference to a nation (Lewis, 1999; Notten, 2005).

It is an unfortunate fact that every effort to create a typology of clan and the relationships within the clan structure tends to ossify what is in fact a notably pragmatic and dynamic system. The terms referred to above can be and are used somewhat interchangeably, but there is clear benefit in attempting to provide some context within which a discussion on state-building might reside. Perhaps the best approach is to adopt the more explicitly arbitrary terms 'sub-clan', 'clan' and 'clan-family', with the rather inelegant 'sub-sub-clan' used with reference to any unit smaller than a recognised sub-clan. There is then some correlation between the English and Somali terms. For example, *raas*, *jifo* and *jilib* would normally denote a group at the sub-sub-clan level, while *reer* (and sometimes *jilib*) might describe a unit at sub-clan level, and *qolo* would refer to a clan or a clan-family. However, it must be borne in mind that this correlation is approximate and inconsistent.

Patterns of clan segmentation are frequently disputed, so the typology outlined here aims only to note some of the available variations, before adopting one such pattern on the basis of the author's understanding arising from research. That judgement cannot be regarded as definitive: the variations are genuine reflections of the concurrent but mutually exclusive lineage traditions that are in circulation at a given moment.

¹⁴. Notten notes the application of the term *jilib* to a group consisting of two extended families, and over which the head is designated an 'elder' or 'oday', and subject to considerable formal oversight on appointment. The *oday* is then charged with pursuing justice on behalf of members of the *jilib*, forming a judicial committee (*gudday*) to adjudicate on any conflict with another *jilib* (2005: 64-65). As with many such customs, the tradition tends to be both more flexible and less universal in practice than this description suggests, although it does give a useful indication. The flexibility of these arrangements indicates their role as contextual institutions with distinct relevance at the meta-constitutional and constitutional levels of analysis: they shape decisions at these levels rather than dictating them.

Most commentators suggest a division at the highest level between the more numerous and predominantly pastoralist Samaale groups, whose name long ago came to be used to describe Somalis in general, and the southern, traditionally largely agricultural Saab clans (Bradbury, 2008: 258; Brons, 2001: 18-19). As with other issues in this area, this division is disputed though. Ken Menkhaus identifies three 'minority' groups: ethnically non-Somalis, descended primarily from Arab traders in the predominantly southern port cities; non-Bantu *shégad*, who are members of small Somali clans who have become affiliated with more numerous clans, and are in the process of being fully integrated with their hosts; and finally, low-status (*boon*) lineages within 'noble' (*bilis* or *aji*) clans, including those who have become destitute and have consequently been deemed to fall outside the normal social support networks, those who have become associated with low-status occupations, which covers both the 'trade castes' described below and the Saab clans who are associated with agriculture (Menkhaus, 2003: 325-327).

Those identified as Samaale are sometimes divided further into two 'super-groups'; the Irir and the Daarood (Ahmed I. Samatar, 1988: 11; Laitin and Said S. Samatar, 1987), although the Irir group covers such a large population that it is often ignored (for example Lewis, 2002), with many commentators preferring to focus on the clan-families of Isaaq, Hawiye and the Dir pairing of 'Iise and Gadabuursi'¹⁵, placing them at the same level as the Daarood (even though the absolute numbers of each differ markedly from each other).

The far less populous Saab are usually taken to include just two clans: the Digil and the Mirifle or Rahanweyn, almost all of whom live in the southern Somali territories. The term *saab* is also applied on occasion to the 'occupational castes' of the northern Somali territories, although these groups do not trace ancestry through the same lines as the Digil or Mirifle (Lewis, 1999: 14).

Collectively known as Gabooye in Somaliland, they consist of three sub-clans, the Yibir, Tumaal and Midgaan, and are still associated with artisanal occupations, including leather-working, hairdressing, metal-working and hunting (Bradbury, 2008: 11; Brons, 2001: 95; Lewis, 1999: 14 & 188; Xuseen Cabdillahi Bulhan et al., 1999: 67-68). These groups were traditionally 'bonded' to Somali families or lineages of 'noble' descent, and are consequently scattered throughout the northern areas (Lewis, 1999: 14); associated with their 'host' clan groups, but prohibited by tradition from intermarriage with them, and sometimes treated as outcasts, or at least of lesser status (Bradbury, 2008: 11). As noted, Menkhaus categorises the Gabooye together with other low-status groups as part of *boon* lineages within *bilis* clans (Menkhaus, 2003: 326). In line with

¹⁵ The Gadabuursi and 'Iise are often collectively referred to as belonging to the Dir clan-family (for example, Abdulqaadir Abikar, 1999; Lewis, 1999). However, in line with the comment above on the difficulty of establishing a clear typology of clan, there is some argument over whether this grouping is justified in terms of culture and descent. Many definitions of the Dir clan-family suggest a dispersed grouping that includes a range of disconnected clans, inhabiting a number of locations throughout the Somali territories. Some (generally non-Isaaq) even categorise the Isaaq as members of the Dir family. This makes the term so indefinite that it is not generally used in this thesis, although the earliest clans to have settled in the northern Somali territories are still commonly referred to as Dir, a usage which makes one appearance (see note 28 on page 79).

Menkhaus's categorisation, the Gabooye are not ethnically distinct from those identifying as Samaale, so can rather be seen as a social group. They do not tend to form their own *mag* groups, instead the custom has been for them to come under the protection of their traditional patrons. However, in recent years, there has been a tendency for Gabooye to shift into urban areas, often practising their respective trades in physical proximity to other Gabooye groups, and thus breaking the link with the lineage groups with whom they had been 'bonded' (Lewis, 1999: 188). As a result of this urban drift, the Gabooye groups have become more vocal in recent years, and in the author's experience, there are signs that they are increasingly seeing themselves and being seen as representative of distinct lineages.

Returning to the Samaale lineages, Somaliland is dominated by two clan-families and two clans that fall outside these families. The clan-families are the numerically dominant Isaaq, who are distributed throughout central Somaliland and Ethiopia, and the Daarood, who live in the eastern sections of Somaliland as well as in neighbouring areas. The two clans, the Gadabuursi and 'Iise, both live in western Somaliland.

The Isaaq and Daarood are both comprised of a number of clans. In the case of the Isaaq, these include the Habar Awal, who in turn divide into several sub-clans, the biggest of whom are Sa'ad Muuse and 'Iise Muuse. The Habar Je'lo and the Habar Yoonis make up the remainder of the three clans who dominate the Isaaq family. In their turn, the Habar Yoonis are often associated with the numerically smaller 'Iidagalle as the Garhajis. The Isaaq family also includes a number of smaller constituent groups, with more detail available in *Figure 6: Somali Clans: Genealogical Structure* on page 191.

The clans of the Daarood group who reside in Somaliland are predominantly referred to under the title Harti: like the Garhajis, an intermediate level between clan and clan-family. The Harti include (amongst others) the Majerteen in Puntland, and the Dhulbahante and Warsangeli, the majority of whom live in Somaliland (see Figure 6, page 191).

Clan affiliation is derived from agnatic lineage, and traditionally every male Somali was able to trace descendants back by many generations. In that sense, social structures, determined by kinship, can be relatively fixed. However, at every level, groups form and abandon alliances with groups from other lineages, depending on the needs of the time. In addition, and as previously noted, mutually exclusive lineage traditions also coexist, meaning that clan groups do not always share a single, common genealogical tradition. While affiliation is therefore critical, relationships between groups tend to display a significant degree of fluidity. While there is generally a strong loyalty to clan and to a lesser degree to clan-family, these relationships may be compromised through alliance to groups of more distant kinship where circumstances dictate. The smaller the unit under consideration, the less likely such compromise becomes.

In relation to alliance-building, conflict-resolution and the day-to-day issues of resource management and political decision-making, Somali society is marked by an active process of contact, often led by individual initiative, but always in the specific context of this dynamic kinship system. Clan provides an environment in which both conflict and resolution take place. The

word of elders and respected individuals undoubtedly carries more weight than is the case for other members of the community, but the system is nevertheless characterised by a high degree of male egalitarianism. This is the basis on which IM Lewis titled his seminal text 'A Pastoral Democracy' (Lewis, 1999), although it is worth noting that the style of democracy is more akin to Athenian direct democracy than it is to contemporary representative democracy.

There is perhaps inevitably a great deal of dissatisfaction amongst some Somalis with the innate conservatism of such a system, but it nevertheless underpins the process of state-building that has taken place to date in Somaliland. In fact, one of the key struggles that will become apparent as we review historical and contemporary contexts of the case study can be seen as a conflict between those who see a post-clan process of social 'modernisation' as an essential enabler of contemporary Somali stability, and those who emphasise the continued importance of clan as a basis for such a situation. In some instances, Islam serves as the foundation for calls for modernisation and inter-clan unity, while on other occasions exogenous secular models including that of one or other form of representative democracy serve that purpose.

4.1.3 Role of Women

One though by no means the only way of consolidating exogenous alliances is through marriage. Sometimes this is explicitly intended as settlement of past grievances, in which case it is known as *godob-reebta gabadhaha*, or literally, 'the leaving behind of a grudge through women' (Rashiid Sheekh 'Abdillaahi Gadhweyne, 2009: 129). More generally, as in most societies, marriage offers a useful means of confirming or consolidating friendly relations between groups. Consequently there is an informal yet frequently pivotal role for women, who can act as go-betweens between their clan of birth and that of marriage (Anab Omar Ileye et al., 2007; Gundel and Ahmed A. Omar Dharbaxo, 2006).

However, while Somali women have long played a vital role in facilitating communication, mobilising resources and applying informal pressure in favour of specific outcomes, the formal socio-political process is overwhelmingly the preserve of men. All adult males are entitled to speak at meetings, and most decisions are made on a consensus basis, but women are generally excluded from such formalities, their voices being confined to the informal spheres of the household, and increasingly business and civil society.

This does not mean that women are powerless in Somali society, either now or in the past, but the relationship is a profoundly uneven one. Traditionally, women have been granted significant rights under customary law, including guarantees of compensation in the event of injury or death, and specific protection under the clan system against rape and domestic violence (Gardner and El-Bushra, 2004: 33). Women hold limited inheritance rights, although the most valuable assets, including camels and land are generally excluded from female inheritances. Women are also able to divorce their husbands, although here too their rights are proscribed in comparison to men's (Notten, 2005: 104-105).

Predictably, the arena in which women tend to view their role as pivotal is the reproductive one, with additional spheres of influence and activity in the pastoral economy. Responsibility for

child-bearing and rearing and household maintenance involves constant duties, but those duties also extend to primary engagement in the trading of milk products and other surplus household goods. Typically, women own goats and sheep of their own and manage their herds and flocks, determining the amount of ghee and milk that will be retained for household use, and trading any excess. They will also coordinate the relocation of the family dwelling or *aqal*, when the time comes to shift the household in search of better pastureland (Gardner and El-Bushra, 2004: 28-29).

So, while the institutions of politics are unquestionably dominated by Somali men, women are not uninvolved in many facets of daily life. In more recent years, conflict and migration have also wrought profound change in social structure, with the result that women in contemporary Somali society are beginning to challenge male authority in most areas. That challenge has yet to result in substantial change in representation in the political realm, although women's voices are increasingly in evidence. Within civil society, in particular, women's groups are notable for their vigour and, generally, also for their organisation (Gardner and El-Bushra, 2004: 189-190; Jhazbhay, 2009: 75-76). With men significantly outnumbering women amongst those emigrating or killed as a result of the years of conflict, women are playing a significantly expanded role in business, often as the primary household bread-winners. In recent years (in fact, since as far back as the extension of the sealed road connecting the different Somali areas in the early 1970s), women have tended to control retail trade in agricultural products and clothing. This trade involvement extended to the rental of trucks and full responsibility for commercial arrangements; a practice that has continued with increasing female involvement in the *qaad* trade, where women reputedly constitute a majority of stallholders at least in the northern towns (Gardner and El-Bushra, 2004: 119-121).

Remittances of funds from overseas, a very significant source of foreign exchange for all of the Somali territories¹⁶, are also disproportionately directed to, and therefore controlled by, women in the Somali areas¹⁷. Women tend to be seen as the most responsible recipients of such funds, as they are more likely to spend the money on household expenditure rather than *qaad* for personal consumption (Bradbury, 2008: 150; Gardner and El-Bushra, 2004: 121). Another World Bank estimate suggests that 14.3% of Somali households in urban areas and 11.7% in rural areas are female-headed, with some 80% of these widowed or divorced (World Bank, 2003: 15). Although equivalent figures for earlier years are hard to find, this certainly represents a significant increase.

¹⁶. According to World Bank estimates, Somalis remitted between US\$700 million and US\$1 billion per annum to the Somali territories from some 40 countries in each of 2001 and 2002. To put this into perspective, that figure compares to inward flows of overseas development aid of US\$139 million and US\$174 million in each of those two years respectively (Abdusalam Omer and Gina El Koury, 2005: 229). The economic importance of remittances was again confirmed in 2004, when they were estimated to have increased to "... at least US\$825 million (roughly 60% of GNP)" (World Bank, 2006: ix).

¹⁷. For example, Anna Lindley's research in this area suggests that 60% of Hargeysa-based recipients of remittances are women (Lindley, 2007: 7).

In literature and in person, women tend to express considerable disillusion at the continued lack of recognition in Somali society for the role they play in peace-making, in tending to wounded (male) combatants, and in supporting state-building (for example, the provision of food and services for conferences, sewing police uniforms and so on). The comment of one interviewee for this research project is typical: “women are always used when their services are needed, but not remembered when good things are shared” (Shukri Ahmed Waraabe in Anab Omar Ileye et al., 2007). Another member of the Women’s Political Forum in Somaliland was direct in noting the cause for this lack of political progress when she commented that “women have no chance of competing with men while clan remains the main basis for political life in Somaliland” (Gardner and El-Bushra, 2004: 197).

4.1.4 Religion in Somali Society

Somalis overwhelmingly identify themselves with a Sunni Islamic tradition, in which the majority favour the Qadiriya, the oldest of the Sufic orders, while adhering to the Shafi’ite rite of *shari’a* law (Brons, 2001: 95; Jhazbhay, 2007: 110-111; Lewis, 1998: 8). However, alternate Sufic traditions also exist, with some Somalis identifying in particular with one of two branches of the Ahmadiya order. The largest of these groups being the Salahiya *tariqa* of Sheekh Mohammed Salah, of which that implacable adversary of the British colonial administration, Sayyid Mohamed ‘Abdille Hasan, was an ardent adherent (see from page 92). The smaller of these Ahmadiya branches is the Dandaraawiya *tariqa* (Brons, 2001: 96-97).

While Somali culture is reckoned to “... boast one of the highest percentages of adherence to Islam anywhere in the world” (‘Ali ‘Abdirahmaan Hersi cited in Jhazbhay, 2009: 111)¹⁸, for the majority, Somali observance of Islam adopts a number of particularities:

- Firstly, the mysticism of much Islamic interpretation allows space for the continuation of religious tradition, some of which can be traced back to pre-Islamic belief systems, and which extends to veneration of Somali saints. This approach to Islam finds accommodation in the Qadiriya tradition, but tends to be rejected by more literalist *tariqa*, including amongst the adherents of Salah. Both of these are Sufic traditions, and intolerance of what is seen as superstition is even greater amongst more recent Islamic imports, including the Wahhabism of many contemporary Somali *jihadis*;
- Secondly, the specific requirements of living in a harsh environment in which survival requires a pragmatic approach to challenges breeds an attitude to religion that is itself pragmatic; and
- Finally, the Somali sense of identity is marked by a relationship with Islam as a bulwark against the animist and Christian beliefs of most of their neighbours, thus constituting the basis for a powerful sense of Somali identity (Lewis, 1984; Lewis, 1998; Notten, 2005: 29).

¹⁸. Most estimates sit in a range of between 98% and 100% for the Somali population as a whole (Brons, 2001: 95; Jhazbhay, 2009: 110).

For this last reason, Said S. Samatar characterised the Somali approach as that of "... a frontier Islam, hemmed in on all sides by pagan and Christian interlopers. Characteristically, frontier Islam is bellicose, xenophobic and profoundly suspicious of alien influences" (2002)¹⁹.

The coast of the Horn of Africa has long seen the activities of traders and colonisers keen to secure trade routes, and while the Somali are considered to be ethnically a part of the Hamitic or South Eastern Cushitic peoples of the Horn of Africa, as are their Oromo neighbours²⁰, (Laitin and Said S. Samatar, 1987; Lewis, 1960, 1999), it is to early Arab trader settlers, who brought with them the religion of Islam, that Somali tradition traces genealogical origin. In fact, Somali attitudes to Arab custom, and indeed to Arabs in general, are paradoxical: there is great pride in recounting direct descent from the Quraysh or the clan of the Prophet Muhammad, yet Arabs are often viewed with a degree of disdain. While claiming descent from Arab forebears, Somalis generally reject any consequent suggestion that they themselves are Arab (Lewis, 1999: 11). Although apparently paradoxical, this quite reasonably reflects a state in which Somali cultural identification emphasises dual and sometimes competing sources of tradition and identity. Much is made of Islam as the basis for Somali custom, yet in terms of ethnicity, Somalis are more closely related to their contiguous neighbours. This complexity of identity remains a contemporary factor, not least in inter-clan relations²¹. This tension between kinship and clan affiliations suffuses the primary and secondary research analysis that follows.

So the Somali attitude to Islam is complex, affecting all aspects of social and personal life, yet remains open to adaptation and adjustment in a manner that sets the Somali practice apart from some other Islamic societies. It is marked by a sense of pragmatic opportunism that is once again captured by Said S. Samatar:

"A classic Somali adage holds that '*Ilaah iyo 'Atoosh baa nego degaallamaya, dhankii 'Atoosh baannuna u liicaynaa*: once upon a time, Allah and a warrior chieftain named 'Atoosh began to wage a terrific fight over us (Somalis), and we forthwith went with the chief against Allah, because the chief could deliver the goods faster than Allah.' That is, a Somali

¹⁹. It should also be noted that Somali relations with Christian Ethiopia have long been affected by the tradition that an edict was issued by the Prophet himself as a result of the hospitality of the Ethiopian ruler of the time (named as Ashama ibn Abjar) in giving sanctuary to one of the earliest groups of Muslims when they were being persecuted in Arabia. According to that tradition, the Ethiopians were consequently not meant to be subjected to attack (Laitin and Said S. Samatar, 1987: 11; Munro-Hay, 1991: 56). This tradition has complicated a relationship which in many ways has been highly negative - much as described by Said Samatar above.

²⁰. The Oromo were previously known as Galla, but now consider that term to be derogatory. There is considerable dispute as to the etymology of the terms 'Galla' and 'Oromo', including whether Galla was used by the Oromo in self-reference, or imposed by external groups and always considered pejorative. One popular theory is that the term was coined from the Somali 'gaal' which is used to denote a non-Muslim or infidel, although this interpretation is also disputed (Laitin, 1996). The Oromo are also, on occasion referred to as the Borana or Borena, although that is in fact the name of only a single Oromo clan.

²¹. With very direct relevance to our own case study, Laitin and Samatar noted in a very early reference to the Somali National Movement (SNM), that they "... remain preeminently a party of Isaacs. Even their appeals to the common religion are seen by most Somalis as Isaaq chauvinism because Sheekh Isahaaq, the progenitor of the clan-family, is held to be more closely related to the Prophet Muhammad than is any other Somali historical figure" (1987: 93).

would promptly go against the law of Allah, if doing so turns out to be in his material interest.” (2002)²²

Effectively, then, analysis of Somali institutions must incorporate an awareness of religious practice that is integral to that analysis. It is near impossible to address Islam as a category distinct from others within Somali society, and accordingly, this thesis rather reflects the observation that Islam explicitly and implicitly permeates analysis of many of the sequences involved in the case study. Frequently, though, Islam plays a distinct role in opposition to clan, and as such forms a tension that sits very clearly within the area of endogenous contextual institutions, which informs the process of collective action in meta-constitutional situations.

Islam must be acknowledged specifically as influencing the development of a sense of unity within Somali society with significant impact on later state-building efforts. Lee Cassanelli and Mohamed Kassim both recount the role played by Arab religious figures in and around Muqdisho in embedding and rationalising a sophisticated system of ‘clientelism’ and resource management that enabled these more densely and diversely populated areas to establish viable systems of governance (Cassanelli, 1982: 119-135; Kassim in Ali Jimale Ahmed, 1995: 29-42). Religious leaders tended initially to travel from urban centres, acting as conflict mediators and spreading various strains of Islam to rural pastoralists (Laitin and Said S. Samatar, 1987: 15-16). It is because these *sheekhs* and *wadaads* tended to favour the mystical Sufism of the Qaadiiriya tradition that it became the dominant Islamic tradition. That tradition was brought to Somalia through Harar and, as has already been noted, it is at least implicitly amenable to the incorporation of much traditional ritual, while also emphasising rigorous and relatively orthodox Islamic instruction (Lewis, 1998: 11-14). Other, stricter interpretations of Islam were also in evidence at the time, probably including those preferred within the Ajuuraan theocracy and the fairly brief but explosive rule of the Baardheere *jihaadis* in the first half of the nineteenth century, both in the south of Somalia²³ (Cassanelli, 1982: 99 & 136). We know with certainty that the Salahiyyist rule of Sayyid Mohamed ‘Abdille Hasan in the north, disparagingly referred to by the British as the ‘Mad Mullah’, represented such a case (Abdul S. Bemath in Said S. Samatar, 1992: 33-47; Lewis, 2002: 66).

The several centuries from at least the Ajuuraan Sultanate in the mid-sixteenth century, through to the colonial period marks a particularly significant process in which the foundation on which conceptions of Somali unity were to develop. Those foundations unquestionably drew on Islam-

²² This proverb surfaces repeatedly and in slightly differing versions. An alternate is ‘*fiqi tolkii kama janno tago*’, which can loosely be translated as ‘even a sheikh or religious man may not go to paradise because of his kin [because his ties to his kin are stronger than his commitment to paradise]’ (Kapchits, 2002: 65). Either way, the sentiment remains clear (see also Nuradiin Askar Ibrahim, 2008: 2; Said S. Samatar, 2007: 9 & 11). Reinforcing the point, numerous proverbs also refer to the primacy of clan and personal earthly concerns over all else without drawing an explicit comparison with Islam. For example, ‘*nin waliba wixii reer-tolkii yahay ayuu yahay*’, or ‘every man is what his lineage is’ is taken to refer to the finality of kinship in determining identity and the collective will (Rashiid Sheekh ‘Abdillaahi Gadhweyne, 2009: 25 & 127).

²³ There is little definitive information on the particular Islamic orders most closely associated with the Ajuuraan and Baardheere regimes, although both were noted for their relative piety and strict application of shari’a law. It seems likely that both departed from the Qaadiiriya tradition.

ic tradition in an oft-times conscious effort to instil a sense of unity that retains its significance to the current time:

“It is unlikely ... that rural Somalis in the past saw themselves as part of a larger Somali nation ... One can reasonably argue that it was the Muslim shaykhs, both Arab and Somali, who first planted the notion of a wider Somali identity ... We might speculate that through their activities of political mediation, social consolidation, and religious propagation, the saints helped both to forge and to reinforce the notion of a shared religious heritage among the Somalis” (Cassanelli, 1982: 128-129).

With this quote, Cassanelli neatly points to the role of Islam as a ‘unifying’ set of norms which sits alongside, and often enough also in opposition to, the segmentary custom of clan and kinship. This is a theme that will become evident as we examine the case study in more detail. Throughout history and into the current time, Islam has supported calls for Somali unity and social change which in many ways is similar to calls for ‘modernisation’. This can be seen in the *jihaadi* movements that have sprung up from time to time - from the Baardheere of the nineteenth century through to al-Shabaab today. The same tension between clan-based tradition and Islamic identification can also be seen in the ways in which Siyaad Barre attempted to co-opt Islam in an overtly modernising programme which set out to abolish clan. In Somaliland, too, that tension manifested itself in some of the divisions which threatened the unity of the Somali National Movement, and continue to play a part in the contemporary social and political environment.

These are all situations that will be explored in more depth in later passages. At this stage, the point is simply to preview a key tension that sits within the area of contextual institutions.

4.1.5 Soomaaliweyn

If Islam has long provided a basis for proponents of pan-Somalism, however, the evolution of what Lewis describes as “... the Somali concept of culturally defined national identity ...”, which contrasts notably with the “... rather different concept of a territorially defined nationality, embracing different tribal and language groups ...” (Lewis, 2002: x) extends to much more than a common religious heritage. It is ‘territorially defined nationality’ that conforms more closely to colonial and Westphalian notions of the nation-state, which underlines one of the disjunctions between Somali nationalistic identity and the nationalism of the nation-state. The cultural conception of Somali nationhood finds expression in the idea of *Soomaaliweyn*²⁴, and gives rise to a profound dissatisfaction with the arbitrary nature of colonial borders and centralised administration that has long militated against the creation of a state system recognised as viable by most outsiders. The degree to which this affects every conception of the idea of Somali nationhood is hinted at in the fact that the flags of both the Republics of Somalia and Somaliland feature a five-pointed star. The star was selected as an unashamedly irredentist statement of pur-

²⁴. *Soomaaliweyn* literally means ‘big Somali’, and has increasingly become synonymous within Somali circles with the kind of the unity implicit in Lewis’s ‘culturally defined national identity’.

pose in the support of the eventual unification of the five Somali territories of British and Italian Somaliland, French Somaliland (now Djibouti), the North Eastern Province of Kenya (in colonial times, the Northern Frontier District or NFD) and the Ogadeen territory of Ethiopia.

In spite of this powerful sense of cultural oneness, though, Somali people in the Horn of Africa have never experienced any real and sustained form of political unity. Inevitably the reasons are legion, and they arise both from the nature of Somali society itself as well as from the politicking and manoeuvring of neighbouring states and regional and international powers over the years: precisely the reason that an examination of that situation must examine the 'historical specificity' of power and custom (Abdullah A. Mohamoud, 2006: 42-43; Mamdani, 1996; Mamdani, 1999).

Indeed, the disconnection between the cultural, linguistic and religious foundations of *Soomaaliweyn* and the perceived but historically unfounded political expression of the same can be seen precisely in the context of a disconnect between the endogenous contextual institutions of a Somali society built on a discursive understanding of decision-making and the exogenous model of a representative system of government within a bordered nation-state. For many Somalis, the idea of cultural commonality must be translated into political union for *Soomaaliweyn* to retain meaning in the 'modern' (post-Westphalian/Weberian) context, and any compromise is unacceptable. For others, the pursuit of that goal is seen as having led to the current malaise in southern Somalia in which the compromises necessary for negotiation of that difficult transition fuel a state of apparently perpetual conflict in which external actors play a part by constantly reinforcing the need for precisely the transition that has proven so difficult.

This argument goes only part of the way to explaining the depth of hostility between those who support the 'separatist' ambitions of Somaliland and those committed to the concept of *Soomaaliweyn*, but it is nevertheless a potent part of that explanation. The argument can be seen in some degree as a three-way conflict that encompasses the endogenous institutional tensions that have traditionally been represented by a call for unity founded in Islam against the segmentary influence of clan, with the exogenous institutions represented by models of representative democracy and the nation-state (which themselves embody inherent tensions, of course). As with any typology, this remains a reductionist analysis, but it comes closer to representing some of the complexity in the relationship than the typically more jejune analyses of failed state theorists, pan-Somali *jihadis* or romanticising traditionalists.

4.1.6 Poetry and Proverbs

Finally in this section, we will consider the key role played in Somali society by poetry and proverbs. It is by no means novel to note the significance of poetic and proverbial traditions in oral and nomadic societies (amongst a considerable array of literature, examples include Abu-Lughod, 1999; Finnegan, 1992; Lord, 1991; Opland, 1983; Reichl, 2000), and Somali society is consistent in showing a similar significance. However, the fact that parallel phenomena are noted elsewhere does not remove the need to note their importance in Somali society, and most particularly with reference to peace-making and state-building.

The importance of poetry in the context of this thesis lies in the significant role it plays in the process of constitutive public reason. As well as addressing many popular themes, including love and other personal experiences, poetry in Somali society is a medium for the presentation and rebuttal of views on society, political values and religion. Poets are widely respected both for their technical ability and for their wisdom. The nature of this role is evident when poetic types and traditions are considered.

Somali poetry is grammatically and structurally complex, relying on a system that is metrical and alliterative. Although there is no direct correlation between the English word 'poetry' and a Somali equivalent, the role of an oral linguistic tradition of long-standing which can reasonably be described in general terms as 'poetry' is well established, and the role played in Somali politics is reasonably widely documented (Orwin, 2005: 280).

"It is often said that, through a poem, a poet could at one time kindle the fire of conflict among communities which had been at peace, and at another time could dampen a lengthy conflict in which much blood had been spilt and which everyone else had lacked the skills to stop. Through such action the poet could bring about a new climate of peace." (Rashiid Sheekh 'Abdillaahi Gadhweyne, 2009: 104-105 and see also Said S. Samatar, 1982)

The distinction between music and poetry is not always clear, as songs are essentially sung poems, which in some instances can equally be spoken. There is however strong differentiation between categories of poetry using a different typology. The primary distinction is between *maanso*, or poetry that is composed before recitation by a known poet, and *hees*, which is generally associated with the performance of work tasks or else with dance (some authors consider *hees* to be song-oriented, although there are different views). *Maanso* tends to be composed and performed by older men, to include serious social commentary, and to take a form that becomes recognised and fixed, while *hees* can be written and recited by women and young men; the composer may be unknown; the form of the poem may change over time; and is likely to be considered less 'serious'. Distinction is also made between modern and traditional types (Orwin, 2005). It is notable that the prestige of the poet is explicit in determining type: "[h]ees poems are performed by those who are politically and socially less powerful, namely women and younger men" (Orwin, 2005: 286).

Proverbs also broadly fall under the title of 'poetry', albeit with a category-set distinct from that outlined above. In an oral society, proverbs tend to "... reflect the peculiarities of the material and spiritual culture of the people ..." (Kapchits, 2002: 16), and that is certainly the case in Somali culture. As with poetry, proverbs provide a useful insight into the Somali institutional landscape.

The power of poetry as a political tool was particularly notable in the case of Sayyid Mohamed 'Abdille Hassan during his struggle against the colonial powers. Although he died in late 1920 or early 1921, responsible for the deaths of countless Somalis and having failed to dislodge the British or Italians, he remains a figure of great controversy and no little renown for many Somalis as both a poet and a nationalist (Touval, 1963: 51-60).

The use of poetry as a tool for social and political comment, protest and motivation continues to evolve. Interestingly, while variations on the classical forms of *maan*so poetry continue to exert influence in the modern context, it was the *heello* variation of *hees* poetry that became the dominant means of expressing the political aspirations of younger Somalis in the struggle for independence in the 1950s. This set a precedent for much modern political work, with the result that contemporary political poetry continues to combine elements of both *hees* and *maan*so (Orwin, 2005: 291-292), so reflecting some of the social shifts that have occurred during the turbulent five decades from the end of colonialism until the present day.

Numerous poets before and after Mohamed 'Abdille's time have spoken on political themes, but one further reference which is significant in the context of this thesis was 'Abdillaahi Suldaan Tima'adde. Tima'adde lived in the first half of the twentieth century and his later work is recalled for his trenchant criticism of 'clannism'. An oft-cited line from one of his poems is '*dugsi ma leh qabyaaladi waxay dumiso mooyaane*', which translates approximately as 'clannism is worthless and serves no purpose but destruction'. The line found a later echo in a poem of Mohamed Haashi Dhama' 'Gaarriye' which marked the start of a major poetic sequence called *Deelley* which responded to circumstances in the latter period of the Siyaad Barre regime - see page 123 (Boobe Yusuf Duale, 2002: 21).

Poetry acts as an enormously important 'vehicle' for dissemination, deliberation and rebuttal on the practice, adaptation and interpretation of institutions at every level. It addresses all of the institutions, whether they be drawn from Islam, from clan history, or from the practical challenge of adapting social systems to accommodate new political or social challenges. While poetry encompasses its own set of institutions, it relates particularly to this thesis in terms of its importance as a means of facilitating deliberation, and consequently plays a vital role in the constitutive sphere, not so much as representing a set of political norms in itself, but as a means of facilitating the development and implementation of the full range of contextual socio-political institutions.

4.2 Historical and Geopolitical Context

As previously noted, this thesis has a dual focus: the first concern is an examination of the institutions and mechanisms that enabled people in Somaliland to make the transition from civil war to adoption of a constitutional system between 1990 and 1997. The second, following Mamdani, is to establish the 'historically specific context' in which these events took place (Mamdani, 1996, 1999). While developments in Somaliland during the period of study were, to a notable extent, divorced from many of the geopolitical machinations of the period, they were simultaneously profoundly influenced by them. Indeed, Somaliland's very isolation arose from precisely those geopolitical forces. Many contemporary events also possess strong historical parallels. This section therefore devotes some considerable space to a review of pertinent historical events, including a summary of state-building initiatives in the pre-colonial period, a somewhat fuller examination of the imposition and administration of colonial rule, concluding with consider-

ation of the brief period of democratic independence, followed by the years of dictatorship under General Mahamed Siyaad Barre.

Each of these periods has great pertinence to the second part of the case study, which is essentially based on primary research into the conflicts and conferences that took place in Somaliland between 1990 and 1997.

The Horn of Africa is notable for the presence of several viable and independent states that predated colonial administrations; in some instances by many centuries. The best remembered of these today are undoubtedly the various kingdoms of Abyssinia or Ethiopia²⁵, but a series of states and city-states of considerable significance in any effort to understand historic and contemporary political development in the Horn of Africa, also became established in the Somali territories.

The story of Somali settlement in the Horn is a story of alternate coexistence and conflict with their periodically powerful highland neighbours, as well as with the Oromo people who have long lived on the southern and eastern peripheries of the Ethiopian highlands. Since the nineteenth century, it is also a story of European colonialism and equally volatile relations with those more distant powers.

4.2.1 City States and Dynasties (early history to colonial intrusion)

As early as 1331, the Berber explorer Ibn Battuta visited the port cities of 'Zaila' (Seyla') and 'Maqdashaw' (Muqdisho). The former he disliked, describing it as "... a big city ... [with] a great market but it is the dirtiest, most desolate and smelliest town in the world" (Abu Abdallah Ibn Battuta, 2003: 15). Muqdisho was much more to his taste: "It is a town endless in its size ... Its people are powerful merchants. In it are manufactured the cloths named after it which have no rival, and are transported as far as Egypt and elsewhere" (Abu Abdallah Ibn Battuta, 2003)²⁶.

In fact, by the mid-fourteenth century, there were a number of wealthy and well-established cities along the coast and inland. Lewis suggests that "... in addition to Seyla', Berbera and Mait, at least twenty other Muslim towns flourished in the fifteenth and sixteenth centuries in the [northern] Somali hinterland ..." (Lewis, 2002: 27). In the south, the towns of Merka and Baraawe prospered as did Muqdisho (Laitin and Said S. Samatar, 1987: 10). Indeed, the time of Ibn Battuta's visit to Seyla' and Muqdisho, marked approximately the start of a period of at least two centuries in which many of these coastal city-states were at their wealthiest. Each city tended to be populated by a mix of ethnic groups. In Seyla', there would have been Afar, Oromo

²⁵. The name 'Abyssinia' has historically commonly been used in English-language documents and is derived from an Arabisation of the Ge'ez term *Habesha*, which refers to the Amhara and Tigrinya people. 'Ethiopia' is a closer derivation of a different Ge'ez word; *Ītyōppiyā*, which seems to refer (although the etymology is unclear) to the Axumite kingdom as a place rather than to its population. Both because of its political currency, and because it seems more appropriate to talk about the place than just two of the many peoples associated with that place, the latter name is used in this thesis to refer to both the present country and to its historic predecessors.

²⁶. Benaadiri cloth was apparently renowned as more durable than more colourful Indian varieties (Casanelli, 1982: 167).

and Arab residents as well as Somali and Amharic, while Baraawe and Muqdisho in the south were located at the northern borders of the increasingly powerful Swahili zone, with the particular mix of Arabs, Persians, Somalis and Bantus in Muqdisho being especially notable (Allen, 1993: 40; Trimmingham, 1964: 9-11).

Each of those city-states was subject to a succession of overlords, and the towns themselves tended to be cosmopolitan centres. None at that stage could be described as being exclusively Somali. Indeed, the term Somali was not first recorded until the fifteenth century (Lewis, 1960: 213). Nevertheless, most historians of that period concur that from the tenth or eleventh centuries, the people of the hinterland, and at several junctures the political leadership of the states themselves, could be described as Somali, both linguistically²⁷ and ethnically (Laitin and Said S. Samatar, 1987; Lewis, 2002).

The Somali territories were subject to several waves of migration, with the first Somali populations commonly described as being the forebears of the Dir clan-family²⁸, expanding into Oromo areas and settling widely in the northern regions, before themselves being pushed towards the west and south by newly arrived Isaaq and Daarood clans. A similar pattern emerged in the south, with the Ajuuraan establishing themselves in the Lower Shebelle valley along the coast and inland to the south and west of Muqdisho, before successive arrivals of Hawiye over-ran them (Lewis, 1960: 221).

The dynastic rule established by the Ajuuraan was one of two notable instances of the early emergence of a coherent and sophisticated state, exercising power over a wide geographic area; the other and earlier of the two being the Adal Sultanate in the western portions of present-day Somaliland and parts of Ethiopia's Somali Region. David Laitin and Said Samatar note that these two sultanates represent "... rare occasions in Somali history when a pastoral state achieved large-scale centralisation" (Laitin and Said S. Samatar, 1987: 16).

Adal was initially a part of the Ifat sultanate, presided over by the Walashma dynasty, a Muslim ruling family who, like the Somali, traced their descent back to Arab forebears. The commercial centre of Adal was Seyla', while the political heart of Ifat lay in or near Harar in present-day Ethiopia (Laitin and Said S. Samatar, 1987: 10-11). For several centuries, and including periods of great strength, the Walashma refrained from attacking Christian Ethiopia, perhaps because of the debt they felt was owed to the Ethiopians for sheltering early refugees from Mecca (Laitin and Said S. Samatar, 1987: 11). However, between the early fourteenth and early fifteenth century, that tolerance ended. After a number of successes on both sides, the Ethiopians

²⁷. G.W.B. Huntingford, for example, notes that the language heard by Ibn Battuta in the court of Sheekh Abu Bakr in Muqdisho and described by ibn Battuta as 'Maqdish' "was doubtless Somali" (1963: 93), while Laitin and Samatar similarly note that the Sheekh "... spoke Somali and Arabic with equal ease" (1987: 15).

²⁸. Note the preference in this thesis to avoid reference to the 'Dir' clan-family in preference to clan designations that enjoy wider acceptance (see note 15 on page 67). The historical reference to the general belief that the first Somalis to settle the Horn of Africa belonged to the Dir family, however, is so strong as to warrant the use of the term here. The fact that the Isaaq are suggested to have followed rather underlines the problems associated with their inclusion in the Dir family.

eventually comprehensively defeated the forces of Sa'ad ad-Diin, the Ifat leader²⁹ (Lewis, 1960: 222). Over the next hundred years the Walashma reconsolidated their rule, restyled themselves sultans of Adal and once again invaded Ethiopia. From the early years of the sixteenth century, now led by an *imam* called Ahmed Ibrahim al-Ghazi 'Gurey'³⁰, they experienced almost forty years of military supremacy, pushing far into the Ethiopian highlands. Then in 1542 the Ethiopian emperor Galawdewos secured Portuguese support and the Walashma were defeated on the shores of Lake Tana (Lewis, 1960: 223).

In fact, the Portuguese had already plundered coastal Somali cities by then. In 1518 alone, Seyla', Berbera, Muqdisho and Baraawe were attacked, with Baraawe, Seyla' and Berbera razed to the ground. The Portuguese harassed shipping to such a degree that the Indian Ocean trading routes that had sustained the coastal city-states and the Adal sultanate were destroyed (Laitin and Said S. Samatar, 1987: 17).

These sequences of peace alternating with conquest and defeat mark the early periods of a pattern between the Somali clans and Ethiopian highlanders that continues to assert itself to the present time (Henze, 2000; Laitin and Said S. Samatar, 1987). Indeed, they also mark the earliest successful period of apparently Somali-led state-building. The Walashma armies were not wholly composed of Somali forces³¹, but they did constitute a notable component. Although his own ethnicity is not clear (Lewis, 2002: 26 & 208n), Imam Ahmed 'Gurey' remains a focus of veneration, with many claiming him to be the first great Somali military leader, so the period also represents the starting point for many mythologies of Somali nationalism (Laitin, 1977a: 27; Touval, 1963: 49-51). Consistent with this view of Ahmed 'Gurey', the Somali involvement in his forces - mainly the Harti clans of the Daarood family, although the Isaaq Habar Magaadle are also mentioned³² - was sufficiently significant as to warrant frequent mention in the account of the Muslim chronicler of the time, Shihab ad-Din (Laitin and Said S. Samatar, 1987: 12; Lewis, 1960: 223; Touval, 1963: 50).

This period marks the emergence of an identifiably Somali set of 'contextual norms' relating to social organisation and governance, drawing first on religion then increasingly on distinct ethnic traditions. The pattern of trade and conflict with neighbours can be seen as critical in building

²⁹. *It is in the songs of the Ethiopian Negus Yeshaq celebrating victory over the Walashma in 1415 that the first known use of the term 'Somali' is recorded (Lewis, 1960: 222).*

³⁰. *Gurey meaning 'a left-handed person' in Somali, he is often referred to as 'gran' or 'gragn', the romanised translation of the Amharic.*

³¹. *In fact, they were indubitably Islamic armies rather than ethnic ones. When faced with the superior firepower of Galawdewos' Portuguese allies, Ahmed 'Gurey' was even able to call upon Turkish support (Henze, 2000: 88). This was explicitly seen at the time as a confrontation between a coalition of Christian powers - Negus Yeshaq went so far as to declare the Muslims 'enemies of the Lord' (Laitin and Said S. Samatar, 1987: 11) - and a coalition of Islamic powers (Touval, 1963: 50).*

³². *Habar Magaadle describes one side of a matrilineal division. The sons of Sheekh Isahaaq are divided into two groups: those born by an Ethiopian woman and known as Habar Habusheed, and those born by a woman identified as being from the Magaadle clan, who are therefore known as Habar Magaadle. All the Isaaq clans therefore divide into these two 'super' lineage groups (Lewis, 1999: 155).*

what Charles Tilly describes as 'trust networks'³³ which underpin this ethno-religious self-identification. The ability to shift between trade- and conflict-based relationships with the same neighbours required the establishment of links which relied first on Islamic teachings, before developing a distinctively Somali framework.

Tilly notes that trust networks can be grounded in "... migration, ethnicity, religion, kinship, friendship, and work" (Tilly, 2007: 80), and religion certainly played a vital role even in these very early days for the Somali communities and their forebears. While the ethnic identity of the Adal Sultanate is questioned, its identity as Muslim is not.

The defeat of Ahmed 'Gurey' and the demise of the Adal Sultanate saw the start of a period of decline for the northern coastal trading centres. This resulted in a shift in power away from the northern coast (Lewis, 2002: 39). A similar process also occurred in the south - itself ravaged by Portuguese raiders - and this allowed the rise of a southern, inland state that was much more definitively Somali: the Ajuuraan Sultanate. The peak of Ajuuraan power seems either to have coincided with the last decades of the Adal Sultanate or to have followed its end. Lewis suggests that the Ajuuraan "... reached the summit of their power in the late fifteenth or early sixteenth century ..." (2002: 24), while Cassanelli, Laitin and Samatar suggest that their power peaked almost a century later between 1550 and 1650 (Laitin and Said S. Samatar, 1987: 16).

Definitive accounts of the Ajuuraan Sultanate are few, but there are sufficient overlapping traditions to suggest that, whichever account is most accurate, the Ajuuraan established a remarkably persistent state, reliant on the agriculture of the Lower Shebelle basin, traded primarily through the coastal ports between the Jubba river-mouth to the south and Mareeg to the north³⁴. The administrative and power structure seems to have been sustained through an efficient system of tribute on agricultural goods (Cassanelli, 1982: 84-92). The Ajuuraan did not control Muqdisho directly, but sustained a cooperative alliance with the Arab-Persian Muzaffar dynasty there. With trade routes in severe decline, both the Ajuuraan and Muzaffar administrations fell when they were unable to suppress a rebellion of Darandoolle people of the Hawiye clan-family (Cassanelli, 1982: 93).

Although far to the south of the primary case study area, the Ajuuraan Sultanate was significant in terms of the increasing emphasis on an ethnically-based Somali identity³⁵, which many argue eventually surpassed religion as a basis for identification.

While no subsequent sultanate achieved the power and authority over the multiplicity of clans and peoples that the Ifat/Adal and Ajuuraan states did, there were several other small sultan-

³³ Tilly's definition of a trust network is one that consists of "... ramified interpersonal connections, consisting mainly of strong ties, within which people set valued, consequential, long-term resources and enterprises at risk to the malfeasance, mistakes, or failures of others." (Tilly, 2007: 81)

³⁴ Mareeg is the name given to a coastal village plus its hinterland which is situated approximately halfway between Muqdisho and Hobyo.

³⁵ In recent times, the Ajuuraan are consistently identified as a clan group within the Hawiye family, albeit often through a matrilineal link (see lineage chart, page 191, and Ahmed I. Samatar, 1988: 11; Ali Jimale Ahmed, 1995: 123; Laitin and Said S. Samatar, 1987: 32; Lewis, 2002: 24).

ates in the period prior to the European colonialism of the nineteenth century. By 1728, when the Muscat-based Sultan of Oman combined with local Swahili groups to drive the Portuguese from their last East African foothold in Mombassa, thus consolidating his hold over trade routes and key ports, local Somali leaders had begun to consolidate their power once again in the coastal city-states of Benaadir. Omani suzerainty of the port cities was not generally oppressive, provided tributes were paid and a ceremonial subjugation was accepted (Laitin and Said S. Samatar, 1987: 18). Somalis were therefore largely free to conduct their own affairs, and local, clan-based systems evolved to exercise effective authority across most southern localities. The Geledi Suldaan, based in the town now known as Afgooye³⁶, some short distance from Muqdisho, emerged as one of the most powerful of these leaders, and by the beginning of the nineteenth century, had begun to exercise a degree of control over a range of different clan groups (Cassanelli, 1982: 131; Luling, 1971). This was especially the case in Muqdisho where divisions between the populations of the two halves of the city - Hamar Weyn and Shangaani - had prevented it from regaining its prior vitality as a trading centre (Laitin and Said S. Samatar, 1987: 18), thus allowing the Geledi to assert a loose control over the city without the expense of direct rule. This Geledi sultanate did not rival the Ajuuraan or Adal states in territorial scope, centralised administration or expansionist success, though they did enjoy a lengthy existence. They therefore represent a third (southern) example of a somewhat centralised governance regime.

While the Somali people have never experienced political unity, they have nevertheless played an active, and often dominant role in establishing localised and in some instances geographically extensive systems of government over the eight centuries or so that preceded Western colonial intrusion. Those states were principally established to facilitate trade, although, interestingly not generally in livestock: that did not become a major source of revenue until the trade with the British in Aden, and significantly, the lack of a single political unit did not prevent the rise of a sense of culturally- and religiously-based identity that united Somalis throughout the Somali-dominated areas of the Horn.

From the earliest days, also, there has been a split between pastoralist and urban Somali communities in the north, with a similar distinction in the south, but with the addition of a greater number of agriculturalists, and a somewhat more heterogeneous ethnic mix. Traditionally, the pastoralist lifestyle has been considered the more noble (*bilis*) of the available options, but it cannot be said that Somali society either has no early tradition of urban living or of political organisation.

In fact, there are historical precedents for indigenous Somali state formation, challenging the previously noted view that Somalis are "... a society addicted to congenital egalitarian anarchy"

³⁶. Luling notes that today's locality of Afgooye in fact covers what was once the Wa'daan hamlet on the side of the Shabeelle closest to Muqdisho, and the larger settlement of Geledi on the other bank. The centre is therefore most appropriately named Geledi up until the time (from approximately 1910) when the Italian regime established an administrative centre near to Afgooye hamlet, after which the whole locality became better known as Afgooye (Luling, 1971: 202-203).

(Said S. Samatar, 2003: 29). The picture that emerges is of a society built on trade and periodic conflict both between clan groups and with external adversaries, and which drew on a rich range of social systems, some of which suggest a potential for - indeed in some instances, a realisation of - indigenous processes of state-building. Nevertheless, these instances rarely extended over long periods or large populations. Even at the height of the Adal, Ajuuraan and Geledi regimes, most Somalis did not fall within their administrative remit. While the examples are sufficient to challenge claims of 'congenital anarchy', they are insufficient to support a Somali theory or model for state formation.

4.2.2 Colonial Imposition: 1827 to 1960

Egypt, Turks, Somali Sultanates and the British 1827-1877: With the Muscat sultanate commanding a degree of sovereignty in the south and the Ottoman dynasty having established a similarly loose form of control along the northern Somali coast through the eighteenth century, there was a period of continuity. However, neither of those coastal powers enjoyed remits reaching far inland, and they were even fairly weak in the coastal towns. By the mid-nineteenth century both Seyla' and Berbera had declined to the point where they were little more than small coastal villages (Laitin and Said S. Samatar, 1987: 19).

Meanwhile, though, a Majerteen sultanate had become established under the leadership of Boqor 'Ismaan Mahamuud in the north-eastern tip of the peninsula. That sultanate dated back to approximately the end of the eighteenth century, establishing a thriving economy based on trade in frankincense, myrrh and some livestock (Laitin and Said S. Samatar, 1987: 19). In 1827, the British had signed a treaty with a single northern clan after a British brig had been plundered off the coast of Berbera two years earlier (Abdi Ismail Samatar, 1989: 29; Brons, 2001: 131). In the mid-nineteenth century, Boqor 'Ismaan had also been able to establish a deal in which he extracted payments from the British for the safekeeping of sailors and ships that had foundered off the coast³⁷ (Laitin, 1977a: 71). In the 1880s, Boqor 'Ismaan's cousin, Yuusuf 'Ali Keenadiid, had split from the Majerteen sultanate and established his own small state on the southern edge, in the town of Hobyo (Laitin and Said S. Samatar, 1987: 19-20). The Majerteen and Hobyo sultanates represent the last of the Somali political administrations in the pre-colonial period, and they were also key actors in the first decades of the colonial.

These two sultanates once again demonstrate the potential for indigenous Somali state-building, albeit on a limited scale. However, a great deal more is known of their functional nature than was the case with their Ifat/Adal and Ajuuraan predecessors, enabling us to draw further conclusions on the nature of the regimes in operation. Both were kinship-based, and were led by 'strong men', who controlled port towns with hinterlands that permitted a flourishing trade in frankincense, myrrh and livestock. Both were also tiny, doubtless easing the tasks of their leaders. They remained personal fiefdoms, without apparent systems for facilitating succession³⁸.

³⁷. *A notable precursor to today's piracy which emanates from the same coastal area.*

³⁸. *At the behest of the British, the Italian Administration did attempt to replace the Hobyo Suldaan with his son - see page 93. This does nothing to undermine the argument that an effective system of succes-*

The limited scope of the rule of both Boqor 'Ismaan and his cousin Yuusuf 'Ali Keenadiid in both spatial terms and in duration indicate that these two sultanates did not possess the institutional sophistication with respect to political structure which was such a notable feature of the larger and earlier sultanates. The norms established amongst pastoralist communities in the hinterland remained dominant through the northern Somali areas, providing the recognisable foundation for those described in section 4.0.1 *Introduction to Somali Society and Custom* (from page 61).

By 1839, the British had begun to arrange shipments of meat and produce from Berbera port to their garrison in Aden³⁹, which they had occupied and established as a coal port for steamers between the port of Suez and India (Kour, 1981). Berbera, however, was to remain a settlement of little more than a few huts for many more years (Laitin and Said S. Samatar, 1987: 19). The Somali coast quickly became established as an important source of fresh produce for the garrison in Aden, but the British were reluctant to incur the expense of a formal annexation. Provided the supply of fresh meat in particular was not threatened, they were content with a trading relationship which required no more than a token police protection for the immediate port areas (Abdi Ismail Samatar, 1989: 32).

When in the early 1860s, and with the backing of the Ottoman Porte, the Egyptian Khedive Isma'il Pasha began to establish a presence along the coast, the British watched with suspicion (Laitin and Said S. Samatar, 1987: 49). Suspicion turned to alarm in 1875 when the Khedive took Seyla' and Harar, and occupied Kismaayo at the mouth of the Jubba River with the intention of securing a link through to the Great Lakes and southern Sudan. The British objected particularly to the Jubba intrusion, which was claimed by their ally the Sultan of Zanzibar, and succeeded in 1877 in reaching agreement with the Egyptians that they would recognise a British claim to Jubbaland while the British would support Egyptian/Ottoman claims to the northern coast (Abdisalam M. Issa-Salwe, 1996: 14).

Turkish, Egyptian and British intrusions were all notably light on the imposition of administrative control, and while the Ethiopian relationship was marked by conflict, they too failed to achieve significant control. Consequently the evolution of indigenous Somali institutions through this period was one of adaptation and interaction rather than the cataclysmic institutional change that marked later periods.

French Garrison at Obock: While the British were gradually being drawn into the Horn of Africa, the French were also establishing territorial claims. In 1862 they purchased land in which to establish the port of Obock on the north coast of the Afar/Somali territory that is now Djibouti (Laitin and Said S. Samatar, 1987: 49; Touval, 1963: 38-39). With the opening of the Suez Canal in 1869, Obock and Aden became incalculably more important both in terms of European capacity to secure the southern approaches to this new through-route, and also as a refuelling

sion was lacking in the sultanate: the succession was externally imposed, and was at any rate a failure.

³⁹. *The sailing dhows used for the trip are reputed to have reached a relatively speedy 10-12 knots in a propitious breeze, so the 270km distance between Aden and Berbera would have represented a single day's sailing in each direction.*

stop for the increased levels of shipping. By 1884 both the ports had been significantly expanded, although Obock remained much the smaller of the two (Laitin and Said S. Samatar, 1987: 49-51).

Reluctant British Annexation: Also by 1884, Egyptian control in the Sudan was rapidly crumbling in the face of the Mahdist revolt, and they were forced to withdraw their forces from the Somali coast. Fearing that a rival power would occupy the area, imperilling food supplies to Aden, the British reluctantly replaced trade agreements with coastal sub-clans with full treaties with the Gadabuursi, 'Iise, Garhajis, Habar Awal and Habar Je'lo (Abdisalam M. Issa-Salwe, 1996: 14; Laitin and Said S. Samatar, 1987: 49; Lewis, 2002: 46). These new arrangements guaranteed "... the maintenance of [clan] independence, [and] the preservation of order ..." in return for a promise from the clans "... never to cede, sell, mortgage, or otherwise give for occupation, save to the British Government, any portion of the territory presently inhabited by them or being under their control" (from the full treaty text reproduced in Abdisalam M. Issa-Salwe, 2000: 160). In other words, the Somali signatories included all the major clans of the northern regions, with the exception of the Harti in the east, but they ceded little in the way of sovereignty or land, reflecting the modesty of British objectives. The new protectorate was to be administered by the colonial Indian government, and the limited extent of British ambition in the area was explicitly stated:

"The primary objectives of Government are to secure a supply market, to check the traffic in slaves, and to exclude the interference of foreign powers. It is consistent with these objectives, and with the protectorate which the India Government has assumed to interfere as little as possible with the customs of the people, and to have them to administer their own internal affairs." (statement from British administration in India quoted by Abdi Ismail Samatar, 1989: 31)

As a part of these treaties, the British secured the right for agents to reside in the coastal cities, and by the end of 1884, three British Vice-Consuls had been stationed; one each in the ports of Seyla' and Berbera, with an assistant in Bullohaar (Bulhar)⁴⁰, reporting directly to the British Resident in Aden. A police force of about forty had been trained in Aden for service in the new protectorate, and explicit instruction was given "... that the occupation was to be as unobtrusive as possible ... [with] no attempt to extend British control inland ..." and "... to keep the peace, but not to assume powers beyond this ..." (Lewis, 2002: 47).

This style of administration was notably different from that employed by the British in the area of southern Somalia, Kenya and inland, where the Imperial British East Africa Company (IBEAC) was given a commercial licence to 'develop' the area for the benefit of the company's principal,

⁴⁰. *Bullohaar is situated somewhat closer to Berbera than Seyla' but between the two. It was one of the primary ports on that section of coast, being noted, along with Berbera and Seyla', as having "considerable trade", including exports of sheep and goats for Aden plus frankincense, hides and coffee (the last undoubtedly from the Ethiopian highlands) and imports of dates, rice, salt and 'American piece goods' (Nurse, 1891: 663).*

William Mackinnon ⁴¹. The fertility of the riverine areas which the British came to call Jubbaland, coupled with proximity to established trading centres of Zanzibar and Muqdisho, proved much more enticing to external powers than the semi-arid plains and ranges of the northern areas; the factor that had lain behind their 1877 agreement with the Egyptian Khedive.

Just as Britain was finalising treaties with the coastal Somali, the Germans and Portuguese, both seeking to limit British reach in order to further their own claims, initiated the Berlin Conference. Opened on 15 November 1884 by German Chancellor Otto von Bismarck, the conference concerned itself particularly with the trade status of the river basin and mouth of the Congo (Wesseling, 1996: 114-118). In the end, the resultant agreements confirmed the interest of the European colonial powers in Africa, but had relatively little direct effect on the Somali territories. The major import in this regard was the perceived moral justification which the conference gave to Italy for their own empire-building in the Horn of Africa.

By 1897, all three of the European colonists in the area, Britain, France and Italy, were keen to negotiate fixed borders between their respective territories and their Ethiopian neighbour. Consequently each sent a delegation to Addis Ababa within a few weeks of each other. Italy's position was particularly difficult, given their resounding defeat in Adwa the previous year (see page 89). That victory had contributed significantly to Ethiopian confidence as a regional power the equal of the Europeans. By the time the British delegation headed by James Rennell Rodd arrived, the French had already conceded significant territory to Ethiopia, yet the British remained confident that Ras Menelik would accede to their requests. Nevertheless, and once again betraying the low regard Britain had for its northern Somali presence, the envoy was instructed that, whatever concessions were required, they would be acceptable provided they did not compromise "the securing of adequate supplies for the support of Aden ..." (Drysdale, 1964: 26). In spite of these instructions and the experience of the French, the British delegation were surprised when the Ethiopians demanded the majority of the area covered by British treaties with the Somali clans, initially amounting to a demand that the protectorate be recognised as part of an Ethiopian empire (Lewis, 2002: 59). After some time, and with negotiations still incomplete, Rodd suggested that the talks be continued with Ras Makonnen, Menelik's cousin and the Governor of Harar. By that stage, Rodd had already implied that concessions would be forthcoming by agreeing that "Somalis who may by boundary arrangements become subjects of Ethiopia shall be well treated and have orderly government ..." (Drysdale, 1964: 28; Lewis, 2002: 59). It was therefore little surprise when, after a further period of difficult negotiation, Rodd agreed with Makonnen to cede to Ethiopia some 67,000 square miles of the Haud territory which Britain had secured in the 1894 agreement with Italy (Lewis, 2002: 59) (see *Figure 11: Somalia: International Boundaries 1888-1960* on page 196). The most important facets of the agreement from the

⁴¹. *Mackinnon's administration ultimately proved disastrous, although there is dispute over whether that was due to Mackinnon's 'philanthropic' bent (Sadler, 1912: 173), the fact that his evident commercial acumen was exceeded by his attraction to grandiose political manoeuvring (Galbraith, 1970), or that he was simply 'incompetent' (Lewis, 2002: 51). Whichever is the more accurate, IBEA had essentially collapsed by the time of Mackinnon's death in 1893, and the British were forced to 'nationalise' the venture (Sadler, 1912: 173).*

British perspective were a guarantee from the Ethiopians that they viewed the Mahdist rebels in Sudan as their enemies, and the exclusion of the French from making further inroads into Ethiopia (Touval, 1963: 156).

The 1897 Anglo-Ethiopian Treaty did not have an immediate effect on the Somali clans who habitually sought grazing in the areas affected, or on the agro-pastoralists who farmed some of the western portion of the ceded territory. The Ethiopians made no move at that stage to impose control over the area, and the British had secured a commitment that the movement of pastoralists in the pursuit of grazing be allowed to continue unimpeded. There was also no attempt to inform those whose grazing, farming or residential areas were covered of the existence of the agreement. However, the treaty created a legacy which would plague relations between the various political entities in the area through the latter stages of the colonial period and to the present day (Abdisalam M. Issa-Salwe, 1996: 51; Abdisalam M. Issa-Salwe, 2000: 51; Drysdale, 1964; Lewis, 2002: 60-62; Touval, 1963: 156).

Reflecting British determination to avoid significant investment in the area, only derisory attempts were made to establish educational institutions. Three elementary schools were introduced in the territory; one in Berbera in 1887⁴² and one each in Bullohaar and Seyla' in 1905. The latter two closed after a short time, and at any rate educated mainly the children of Arab and Indian traders (Laitin, 1977a: 78). There was to be no other effort of note in educational terms until 1920.

There were limited roading and water-drilling projects, but hardly any resources were committed to either infrastructure or human development in the period prior to the late 1930s (Lewis, 2002: 103-104). Britain nevertheless did profit from the protectorate, albeit modestly: while administered from India (until 1898) the Somaliland office was able to pay half the cost of operating a Royal Indian Marine ship stationed in Aden to patrol the Gulf shipping lanes, as well as the cost of garrisons in the territory, all intended to secure trade. There is not a great deal of data available to indicate the levels of trade that were taking place in the early colonial years. However, Samatar shows the value of exports through the ports of Bullohaar and Berbera as volatile, but fluctuating within a relatively narrow band of £120,000-£207,000 per annum between 1887 and 1894, with a similar pattern⁴³ continuing until about 1937. From then, exports expanded rapidly by both value and quantity; a phenomenon that will be addressed below (Abdi Ismail Samatar, 1989: 33-64).

Ethiopia and the Europeans: Italian energies had been fully absorbed to this point by il Risorgimento, their own unification process. However, by 1870 the Franco-Prussian War had effectively decided the matter and the Italian authorities were keen to find a nationalistic endeavour that would consolidate the newly united nation (Killinger, 2002; Riall, 1994). With their entry to

⁴² Saadia Touval records this school as having opened in 1898 (1963: 64).

⁴³ The volatility was primarily a result of drought, and outbreaks of disease and conflict, and overall there was a trend towards a slight increase in exports (Abdi Ismail Samatar, 1989: 32).

the 'scramble for Africa' consequently late, they seized on Ottoman weakness and Ethiopian domestic division as an opening in the Horn of Africa for empire-building. The British administration considered Italian adventurism preferable to French, so gave their tacit approval to a series of Italian alliances and intrusions. With the General Act of the 1884 Berlin Conference also supporting European expansion (see page 86), the Italians moved their forces into Somali territories as the Egyptians were forced to withdraw in the face of the Mahdist rebellion in Sudan.

Negus Yohannes IV was preoccupied with his own domestic problems and he was unable to resist Italian advances (Henze, 2000: 156). Nevertheless, Yohannes was alarmed by the incursions and it was not long before his general, Ras Alula, was mounting attacks on the Italians. In this, he achieved remarkable success, most notably in the Wado Dogali in northern Ethiopia (Henze, 2000: 157); a defeat which served as a catalyst for Italian calls for revenge (Killinger, 2002: 133).

The death of Negus Yohannes IV in March 1889⁴⁴ triggered a bitter succession dispute between Ras Mengesha and the ambitious Shewan Negus Menelik⁴⁵ (Henze, 2000: 160). The Italians exploited this to the full, allying with Menelik in his struggle against Mengesha, and persuading Menelik to sign the Treaty of Wuchale within weeks of Yohannes's death. In a blatant display of mendacity, the Italian-language version recorded that henceforth, all Ethiopian foreign affairs would be conducted by Italian officials, thus effecting an Italian protectorate. The Amharic version, though, merely offered Italian assistance as one option amongst others available to Menelik, thus creating no more than an alliance. Menelik signed only the Amharic version and clearly understood it to represent the relationship he was entering into, while the Italians proceeded to advance their position on the basis of the Italian wording. On other points there was less dispute; the Italians gained recognition for their Eritrean protectorate, along with the right to extend their territory into the highlands by occupying Keren and Asmara. (Abdisalam M. Issa-Salwe, 1996: 16; Laitin and Said S. Samatar, 1987: 52-53; Theodore Vestal in Milkias et al., 2005: 24).

Emboldened by their Wuchale duplicity, the Italians then introduced a supplementary treaty, again employing different wording in Italian and Amharic. In Italian, borders would be demarcated on the basis of 'effective possession', while the Amharic version stated that borders would be frozen as at the time of the treaty (Henze, 2000: 161-162). The Italians employed the 'effective possession' clause to justify a series of intrusions into the highland areas of Tigray, eventually driving Ras Mengesha out in 1895 and reaffirming the enmity between the two powers (Milkias et al., 2005: 26). They also acted on their understanding of the Wuchale agreement in their assumed capacity as 'protectors' of Ethiopia, entering negotiations with Britain over the delineation of borders; talks which resulted in agreements in 1891 and 1894. In fact, this relationship between Britain and the Italian Ethiopian Protectorate resulted in a number of absurdities, including a period in which the British complained to the Italians over Ethiopian encroachment

^{44.} *He died from wounds sustained while fighting the Mahdist forces in Sudan.*

^{45.} *Also spelt Shoa or Sawa, Shewa was an autonomous territory within the Ethiopian empire.*

into British Somaliland and harassment of Somali clans in the area. Naturally, Menelik was not inclined to take any action on the basis of Italian remonstrations, so British objections were entirely ineffectual and British administrators were seen by the Somali clans as weak and unable to deliver on their agreements (Lewis, 2002: 55).

The pattern of colonial engagement was already clear: external powers negotiated over Somali territory with little or no reference to Somalis themselves, and their relations with Ethiopia were marked by similar efforts to develop parallel systems in the apparent belief that neither Somalis nor Ethiopians would notice this institutional double-think.

By November 1889, Menelik had prevailed in his struggle to be crowned 'king of kings' of Ethiopia and within a few months, he had secured Italian support for admission to the Brussels General Act. This gave him, as the ruler of a Christian nation, the unrestricted right to import arms and ammunition (Laitin and Said S. Samatar, 1987: 52). He then set about playing the European powers off against each other with a growing assuredness. As early as 1891, he felt himself in a sufficiently powerful position to issue a communique to all of the European colonial powers stating that he had "... not the least intention of remaining a disinterested onlooker if Powers from a distance come with the notion of dividing Africa between themselves ..." (quoted in Lytton, 1966: 236-237). In the same letter, he expressly laid claim to the territories of "... the province of Ogadeen, the Habar Awal, the Gadabuursi, and the 'lise ...", the last three of whom had negotiated treaties of protection with Britain, while the 'lise also had a similar agreement with the French (Lewis, 2002: 54). Menelik was showing just how capable he was of playing the same diplomatic game as the Europeans, and he was only too happy to agree terms with the French while resisting the Italians and ignoring the British. In 1894 and again in 1896 French and Ethiopian officials met, agreeing a French concession to build a railway between their new and expanded port at Djibouti and Menelik's new capital, Addis Ababa (Abdisalam M. Issa-Salwe, 2000: 49).

Meanwhile, by February 1896, relations between Italy and Ethiopia were so strained that full-scale war was inevitable. The Italians had gathered troops in their Tigrayan territory - perhaps the largest European force yet assembled in Africa - while Menelik had assembled his army near Adwa (Milkias et al., 2005: 26). In spite of past military defeats at the hands of the Ethiopians, the colonial powers assumed Italian success to be inevitable, but in the event the Italians were out-manoeuvred and comprehensively beaten. The battle took place on Sunday 1 March, and three days later, The Times offered the first British acknowledgement of the defeat:

"... although further particulars are still lacking ... what was at first euphemistically described as a reverse to Italian arms was really a military disaster of the first magnitude" (Reuter, 1896).

Menelik's resounding victory was to force all the European colonial authorities in the Horn to deal with Ethiopia as a credible regional power (Abdisalam M. Issa-Salwe, 2000: 49-50; Drysdale, 1964: 25).

Italy and Somalia: While the relationship between the Italian colonists and Menelik was being played out, the Italians were continuing to press their claims in the Somali territories, seeing this as a component in their future Italian East African empire. An influential Italian elite saw the empire as a means of rivalling Britain, France and Germany, while much popular opinion in Italy saw the potential for new territory to alleviate population pressures at home (Hess, 1966: 1-2; Luling, 1971). Italian ambitions were therefore focused from the start on a much more direct form of colonial rule than was the case with Britain, or even France.

In 1889, the Treaty of Wuchale confirmed Italian possession of Eritrea, and in the same year they negotiated protectorate status with Yuusuf 'Ali Keenadiid of the north-eastern Somali sultanate of Hobyo Sultanate. Yuusuf 'Ali apparently believed that the Italians would then assist him in defeating his northern neighbour, rival and cousin, Boqor 'Ismaan Mahamuud, in the Majerteen sultanate. However, within two months, the Italians had also persuaded Boqor 'Ismaan to accept Italian suzerainty (Abdisalam M. Issa-Salwe, 1996: 16-17; Lewis, 2002: 51).

By the end of 1889, the Italians had negotiated a sub-lease of the southern Benaadir ports of Muqdisho, Merka, Baraawe and Warsheekh from the Imperial British East Africa Company, who in turn held a lease from the Sultan of Zanzibar (Lewis, 2002: 51)⁴⁶. The Italian lease was confirmed in August 1892 when the Sultan of Zanzibar entered a direct arrangement to cede the ports for a further period of twenty-five years, on payment of a fixed annual rental (Abdisalam M. Issa-Salwe, 1996: 17; Lewis, 2002: 51)⁴⁷. Italian interest in East African adventurism waxed and waned as governments changed at home, and a concession for the protectorate was eventually given to Italian diplomat-turned-entrepreneur Vincenzo Filonardi to run the area as a personal fiefdom (Abdisalam M. Issa-Salwe, 1996: 17-18; Luling, 1971: 196). Events did not run Filonardi's way as both the Biyamaal people along the coast and the Wa'daan inland, the latter in alliance with the Geledi Sultanate⁴⁸, mounted vigorous campaigns to resist Italian occupation and Filonardi had to be forced by the Italian government to remain in his position until his contract expired in April 1896 (Abdisalam M. Issa-Salwe, 1996: 18-19).

The British continued to see the Italians as a preferable partner to the French and Germans, and entered into negotiation to transfer the town of Seyla' and the 'lise people to Italian control. This arrangement was not finalised, and the Anglo-Italian agreement signed in 1894 simply confirmed that the Ogadeen lay within the Italian sphere of interest. Of course, this was itself a fiction based on the notional Ethiopian 'protectorate' established in Wuchale; the Italian authorities held none of the territory and had no administrative staff based there (Lewis, 2002: 54-56). The

⁴⁶. From 1895, when the IBEA Company collapsed (see page 86), the area south of the Jubba River (Jubbaland) was incorporated into the newly nationalised protectorate of British East Africa (Lewis, 2002: 51).

⁴⁷. Lee Cassanelli gives the year of this latter transaction as 1890 (1982: 182).

⁴⁸. Luling states that, although the Geledi were allied to the Wa'daan, they "... were from the beginning willing to treat the Italians as allies rather than enemies". However, she also notes the opposition of the Hawiye clans, Abgaal and Hintire (Luling, 1971: 197).

continued willingness of the colonial powers to negotiate borders amongst themselves and without the involvement of local populations was not lost on the Ethiopians or the Somalis.

When the Filonardi concession expired in 1896, and with the Adwa defeat still fresh, the Italian consul to Aden and then Zanzibar, Antonio Cecchi (Anon, 1897), was permitted to create his own commercial venture, the Società del Benadir (Abdisalam M. Issa-Salwe, 1996: 19). As with the Filonardi company, Cecchi's involvement was a difficult one, and he was killed within a few months (Abdisalam M. Issa-Salwe, 1996: 19; Anon, 1897). However, Società Benaadir continued to administer the Benaadiri ports until 1905, at which point the Italian state assumed full responsibility for the concession. Cecchi's death marked the start of a period of brutal repression and eventually pacification of the land surrounding the Italian-held towns (Lewis, 2002: 53; Luling, 1971: 197). The 1905 nationalisation of Italian interests in the area began far more auspiciously than had the previous commercial concessions. Luling recounts a story about an individual from Baraawe, Sherif Sidi, who had travelled widely in the region and had dealings with the various colonial powers. He advised the Geledi leadership that the colonial imposition could not be resisted, and that the Geledi were better to make a deal with the Italians than the British or Germans. The Geledi apparently acted on this advice, writing to the Italian authorities offering to negotiate (Luling, 1971: 196).

The resultant Geledi agreement seems to have contributed to a decline in Wa'daan resistance. Biyamaal opposition however intensified and, influenced by the *Daraawiish* in the north, assumed a stronger Islamic orientation. They began to couch their rhetoric in a call to other Somalis for assistance in expulsion of the infidel, once again drawing explicitly on Islam as a basis for calls for cross-clan unity.

In February 1907, an Italian force moved to break up an opposition meeting, arresting the leaders and, in retaliation, Biyamaal forces over-ran an Italian post in Dhanaane. The Italian retribution was extreme: all villages within a radius of almost a hundred kilometres were razed, with many killed and much livestock looted. From mid-1908, Tommaso Carletti, a new Italian governor employed similarly extreme tactics to push Italian control inland for the first time (Abdisalam M. Issa-Salwe, 1996: 20).

By 1910, the whole of the Benaadir had been subjugated, and in 1911, a great *shiir* or conference involving 12,000 delegates representing the major clans of the Lower Shabeelle was held in Geledi, and Italian occupation was accepted (Luling, 1971: 202). By 1914, the Italians had also occupied the Upper Shabeelle and the inter-riverine area between the Shabeelle and Jubba, gaining Kismaayo and a strip of British Jubbaland from the British in 1919 and 1924, ceded in reward for Italian support during the First World War⁴⁹.

⁴⁹. The 1915 Treaty of London, negotiated and signed secretly between Italy, Britain, France and Russia agreed that, should the Italians join the Triple Entente, they would receive a number of territorial concessions. These were mainly in Europe, although Article 13 stated: "In the event of France and Great Britain increasing their colonial territories in Africa at the expense of Germany, these two Powers agree in principle that Italy may claim some equitable compensation, particularly as regards the settlement in her favour of the questions relative to the frontiers of the Italian colonies of Eritrea, Somaliland and Libya and the

The *Daraawiish* Movement: In 1895, Sayyid Mohamed 'Abdille Hassan had returned to Berbera from Arabia, having spent some years under the tutelage of the Sudanese religious leader and mystic, Sheekh Mohammed Salah. Salah had founded a Sufic order that taught a more literal adherence to Islam than the Qaadiiriya order preferred in the Somali territories (Abdul S. Bemath in Said S. Samatar, 1992: 33-47; Hess, 1964: 419), and Mohamed 'Abdille's return was as a representative of the Salahiya movement. He clashed with the British immediately, refusing to pay the taxes demanded of him. The story goes that it was either at this stage, or earlier while he was passing through Aden, that a brush with colonial officialdom resulted in the comment from a British administrator that he was 'just a mad mullah', and it was by that name that he became known amongst the British administration, and more widely (Abdisalam M. Issa-Salwe, 1996: 23 & 44n).

Mohamed 'Abdille's criticisms of Qaadiiriya accommodations with the colonial powers and what to him amounted to moral turpitude led to tension between the two groups. In 1897 the British sided with the Qaadiiriya and closed his Berbera religious centre, forcing him to move to the home territory of his mother's clan, the Dhulbahante (Abdisalam M. Issa-Salwe, 1996: 23-24; Hess, 1964: 419). Once established amongst the Harti, he set about gathering a larger and more willing support base which he named the *Daraawiish*, the plural Somaticisation of the term 'dervish' (Laitin and Said S. Samatar, 1987: 57). In the process of gaining acolytes, Mohamed 'Abdille mediated a number of local conflicts, gaining local repute for himself as a conciliator. His efforts in this regard extended to mediation between Habar Je'lo and Habar Yoonis in the Bur'o area, after which he organised a large public meeting, calling on those assembled to initiate *jihad* against Ethiopian, Italian and British imperialists. The British didn't appear to register this, and were initially delighted with his success at calming inter-clan squabbles: an example of a pattern we find in the primary research phase of this thesis, where agents external to given conflicts are able to intervene as mediators. The British would instead have done well to note the re-emergence of another contextual institution: the use of Islam as a foundation for pleas for cross-clan cooperation.

Instead, Britain remained unconcerned at developments in Somaliland provided exports of produce to Aden remained unaffected⁵⁰. By 1900, Mohamed 'Abdille had established control over all of the Ogadeen and the south-eastern area of the British protectorate (Hess, 1964: 420), and rumours circulated that he was arming the Biyamaal resistance. The Italians were alarmed at the prospect of a *Daraawiish* attack as far south as Benaadir and 1902 agreement with Suldaan 'Usmaan, leader of the Geledi, specified that "[i]f the 'Mad Mullah' should come down into Ben-

neighbouring colonies belonging to France and Great Britain" (Bovill, 1933: 351). In the event, the 1919 Milner-Tittoni Agreement confirmed "... the cession of grazing grounds on the right bank of the Juba river ..." (Bovill, 1933: 357) and the 1924 Anglo-Italian Treaty agreed the cession of Kismaayo and the rest of the Jubbaland province. These new territories were incorporated into Italian Somaliland in 1926 (King, 1928).

⁵⁰. Lewis notes that the suggestion had been made in London that Britain abandon its Somaliland mission altogether; a measure which was only dismissed at the insistence of the Aden authorities (Lewis, 2002: 58).

aadir, the number of *askaris*⁵¹ will be increased as much as would be necessary for defensive purposes” (Luling, 1971: 200). By 1905, Italy had signed a treaty in return according Italian recognition for *Daraawiish* rule over the whole of the Nugaal Valley, which extended beyond the Italian border into the British sphere of influence (Abdisalam M. Issa-Salwe, 1996: 20).

As the *Daraawiish* community grew, Mohamed ‘Abdille found it necessary to impose a more formal governance regime, creating a four-tiered system broadly based on the structure of a *Sa-lahiya* brotherhood (Said S. Samatar, 1982: 120). At the top was the *qusuusi* or council of ministers, consisting of religious scholars who advised Mohamed ‘Abdille and exercised considerable authority; senior members of the administration were protected by a second tier consisting of *gaarhaye* or sentries; with the *maaraweyn* or regular army forming the third tier; and *reerbeede*⁵² making up the final tier and covering the civilian population (Abdisalam M. Issa-Salwe, 1996: 26). This nascent state was deliberately designed to downplay clan and he adopted the term ‘*Daraawiish*’ specifically because it represented a Sufic tradition but not a Somali one. He also insisted that his followers wear robes and white turbans to differentiate them from other Somalis (Said S. Samatar, 1982: 120). This social innovation established a full constitutional regime that rivalled those of both customary Somali arrangements and the colonial powers.

The creation of the *maaraweyn* presented Mohamed ‘Abdille with a problem familiar to all leaders trying to fashion a state: the need for a means of procuring food and other support to sustain a standing army. He was initially reliant on the Islamic tradition of alms or *sadaqo*, but as needs increased, he was forced into harsher means of ‘taxation’, declaring anyone unwilling to join the *Daraawiish* struggle a *kaafir* (unbeliever), and demanding they be killed and their assets retained by the state (Abdisalam M. Issa-Salwe, 1996: 26). As a result, relations with neighbouring clans grew more fractious. After protracted but inconclusive negotiations between Mohamed ‘Abdille and Garaad ‘Ali Garaad Mahamuud of the Dhulbahante at the end of 1899, clashes broke out between the forces of the two. Incensed, Mohamed ‘Abdille despatched assassins who killed Garaad ‘Ali. This proved a major miscalculation on his part as his supporters were shocked and began to desert him, forcing him to flee to his birthplace near Buuhoodle on the border agreed between the British and Ethiopian areas (Abdisalam M. Issa-Salwe, 1996: 27).

Meanwhile, the British and Italian administrations began to cooperate against the *Daraawiish*. Initially this amounted to no more than Italian approval for British troops to land in Hobyo. However, when Yuusuf ‘Ali Keenadiid objected to these incursions, the British persuaded the Italians to exile him to Eritrea and to confiscate his assets. This almost caused a rebellion against the Italians, and they were forced to hurriedly instal Yuusuf ‘Ali’s son, ‘Ali Yuusuf, as the new *suldaan* in May 1903 (Hess, 1964: 421). In March 1905, in the coastal town of Ilig, Mohamed ‘Abdille signed an agreement with the Italians, accepting Italian protection in return for the right

^{51.} From the Swahili term meaning soldiers, which were provided by the Società Benaadir to the Geledi.

^{52.} The terms *maaraweyn* and *reerbeede* are interesting as they are not words that had or have any commonly acknowledged meaning. Both continue to be related specifically to the *Daraawiish*, which reflects the novelty of the concepts of both a standing army and a ‘general populace’ at the time (Abdisalam M. Issa-Salwe, 1993; Orwin, 2009).

to create a *Daraawiish* territory between the two sultanates of Hobyo and Majerteen. The British accepted this, enabling a fragile peace that lasted until 1908 (Abdisalam M. Issa-Salwe, 1996: 29; Hess, 1964: 421-422).

Mohamed 'Abdille used the period to rebuild support, especially through his poetry; as already noted, a traditionally powerful means of disseminating views and fostering respect in Somali society, and one in which he displayed a great deal of skill. It was during this period that he earned a reputation as a 'master of eloquence' (Abdisalam M. Issa-Salwe, 1996: 30), and even for some, "the greatest Somali poet" (Said S. Samatar, 1982: 137).

Excluded from his maternal relations, the Dhulbahante, he established ties with the Warsangeli (Aw Jaamac Cumar Ciise, 1976: 184-185), who lived mainly within the area demarcated as British. He also periodically raided the Hobyo and Majerteen Sultanates who, in spite of his own accommodations with the colonisers, he despised as collaborators. These tactics created a rift between the Harti clans of Majerteen and Warsangeli and lost the *Daraawiish* further support. However despicable the actions of the victims, plundering the goods of fellow Muslims and breaking treaties (even with *kaafir*) was dishonourable in the eyes of many who had earlier been attracted by the lofty standards of the Sayyid (Abdisalam M. Issa-Salwe, 1996: 31).

In 1908, the *Daraawiish* attacked the Mudug, hoping to recreate contact and consolidate an alliance with his father's Ogadeeni sub-clan, the Bah Geri, who live in the area of the Upper Sha-beelle. At much the same time, working in collaboration with their Warsangeli allies, they resumed attacks on British Somaliland and increased the frequency of forays against the Majerteen and Hobyo sultanates (Hess, 1964: 423; Luling, 1971: 201).

While the Italians seized on a rift between the Sayyid and his advisor, Abdullah Shahari, in an effort to embarrass the Sayyid (Hess, 1964: 424-425), the British issued an urgent call in January 1909 for 1,500 African reinforcement troops to be sent from Uganda and British East Africa (Aw Jaamac Cumar Ciise, 1976: 209; Sadler, 1912: 183-184). Then in November, they sent a delegation to the *Daraawiish* seeking negotiated terms. Unable to find agreement, though, the British seemed to panic. They ordered their troops to retreat to the coastal towns of Berbera, Seyla' and Bullohaar, arming inland pastoralists against the intrusions of the *Daraawiish*. Naturally, the Sayyid needed no further encouragement and returned promptly to British Somaliland. By 1913, they were in full control of a large section of the northern inland areas, controlling all the main caravan routes serving the British ports (Abdisalam M. Issa-Salwe, 1996: 32; Hess, 1964: 425).

Acting in concert, the British and Italians were next to act as external mediators, brokering a reconciliation between the Warsangeli and Majerteen in December 1910. This cut the *Daraawiish* off from coastal access and saw the reconciled Harti clans launch attacks on them (Hess, 1964: 427).

In 1911, Mohamed 'Abdille relocated to Taleeh in the heart of the Nugaal Valley, where he proceeded to build a series of impressive fortifications (Abdisalam M. Issa-Salwe, 1996; Hess, 1964), and from where he developed a friendship with the uncrowned Ethiopian monarch, Lij ly-

asu. Iyasu's father had converted from Islam to Orthodox Christianity, and Iyasu himself made no secret of his empathy with his Muslim subjects, announcing his conversion to Islam in 1916 (Abdisalam M. Issa-Salwe, 1996: 32; Hess, 1964: 430). However, his rule was neither long nor successful, with Henze suggesting that an appropriate assessment would "... credit him with good intentions but condemn him for intemperate, inept and in the end, disastrous performance" (2000: 194). Nevertheless, Mohamed 'Abdille's friendship apparently led to Ethiopian provision of arms and military advice between 1913 and 1916, at which point Iyasu was deposed and excommunicated in favour of Empress Zewditu and ultimately Ras Tafari, later to become known as Haile Selassie (Abdisalam M. Issa-Salwe, 1996: 32; Henze, 2000: 194-195).

With Iyasu removed, Mohamed 'Abdille and his *qusuusi* grew increasingly isolated and paranoia set in. Fearing a British attack, they again relocated their headquarters in 1918 to a remote location with difficult access to the *Daraawiish* settlement in Taleeh. He was therefore unaware when, with the end of the First World War, the British began augmenting their presence on the coast with the aeroplanes that had entered active service during the war. On 21 January 1920, 'Z' unit of the Royal Air Force attacked all of the *Daraawiish* bases simultaneously. Most of them had never seen an aeroplane before and were disoriented, their forts were destroyed and they were driven into the Ogadeen (Hess, 1964: 432). There they regrouped, but were immediately subject to a smallpox outbreak that killed many. The British sent a delegation to offer peace, and the creation of a small religious settlement, but determined to demonstrate the strength of his resolve, Mohamed 'Abdille refused, and instead mounted a raid on an Isaaq clan on the Ethiopian border. He then set about building a new set of fortifications in the area, but late in 1920 or early 1921, he contracted influenza, which developed into pneumonia, from which he died (Abdisalam M. Issa-Salwe, 1996: 33; Hess, 1964: 432).

Mohamed Abdille's death marked the end of the *Daraawiish* movement, with his followers returning to their clans.

Italian Fascism in the Horn: At the end of October 1922, Benito Mussolini had secured the position of Italian Prime Minister, leading a coalition government within which his Partito Nazionale Fascista was able to seize greater power over the following two years (Killinger, 2002). Initially, Fascist policy on Somalia was pragmatic, but as they consolidated their position in Italy, they became passionate advocates of an aggressive nationalism and expansionist foreign policy (Killinger, 2002: 151-152). The dream of an Italian East Africa that united the Somali, Ethiopian and Afar territories was reinvigorated, and the end of the *Daraawiish* movement allowed space for Italy to concentrate on achieving direct control of the north-eastern territories and dismantling the sultanates of Hobyo and Majerteen.

In December 1923 a new Governor and a prominent member of the Fascist Party, Cesare Maria De Vecchi, arrived in Muqdisho. De Vecchi advocated full annexation of the sultanates from the start, and in July 1925 Mussolini gave the go-ahead. He then moved to abrogate the treaties of protection Italy had signed and to overwhelm the two territories by force, with Hobyo the first target (Abdisalam M. Issa-Salwe, 1996: 37-42; Lewis, 2002: 99). In the event, it took almost two

years of fierce fighting in the north-east at enormous financial and human cost, including the devastation of the north-eastern Somali economy, for Italy to secure 'Italian Somaliland' (Abdisalam M. Issa-Salwe, 1996: 42; Lewis, 2002: 100).

For Mussolini, though, it was the defeat in Adwa that most demanded Italian retribution. In his autobiography he recalled reading of it in the papers: "From the first page to the last it talked of nothing but the disastrous battle - ten thousand dead and seventy-two cannons lost. Those figures are still hammering in my skull" (quoted in Fermi, 1966: 309).

The Italians had signed a treaty of friendship with the Ethiopian government as recently as 1928 (Hess, 1966: 172), but by 1932, they were seeking an excuse to invade, adopting a policy of 'inflexible reciprocity'. On 31st May 1934, minutes from a meeting between Mussolini and his Colonial Minister record his instruction to pursue a policy "... of indirectly provoking an action on the part of Ethiopia" while completing a military build-up which was to be kept secret from the other colonial powers (Hess, 1966: 173).

Just such an opportunity arose when the Anglo-Ethiopian border demarcation team turned up in the settlement of Wal-waal on 23rd November 1934 to survey wells and grazing areas to which pastoralists residing predominantly within the British protectorate were guaranteed access under British-Ethiopian accords. Wal-waal is located well within the Ethiopian demarcated area⁵³, yet to the consternation of both the Ethiopian and British members of the border team, they found "a well-armed Italian post" (Lewis, 2002: 107). In fact, the post, along with others clearly positioned within the Ethiopian sphere of influence had been in place since 1930 or 1931 (Drysdale, 1964: 49; Potter, 1938: 2); presumably a reflection of the policy of 'inflexible reciprocity' that was formalised the following year. The Ethiopian presence in the area was so weak that these incursions had thus far gone unchallenged and apparently unnoticed (Lewis, 2002: 108).

After weeks of posturing by both sides, including accusations that the Italian forces employed aircraft to harass Ethiopian and British forces (which led to the withdrawal of the the British contingent) (Drysdale, 1964: 50), fighting broke out on 5 December between a well-armed Italian force of about 500 and about 1,500 Ethiopian troops (Potter, 1938: 3). Ethiopia immediately appealed to the terms of the 1928 Italian-Ethiopian treaty which allowed for international arbitration in the event of any dispute. Italy, however, remained belligerent, claiming with unashamed absurdity that the Ethiopians had initiated an unprovoked attack on Italian territory and demanding that they salute the Italian flag and pay reparations for their action (Potter, 1938: 3-4).

What became known as 'the Wal-waal Incident' provided the pretext for the invasion of Ethiopia. However, the Italian military build-up was not yet ready, so over the eleven months following Wal-waal, preparations assumed greater urgency (Hess, 1966: 173-174). Diplomatic initiatives also continued, most notably including agreement with the French in January 1935 that a portion of French Somaliland would be ceded to Italy and that all French claims to Ethiopian territ-

⁵³. *Formal delimitation of borders had not been confirmed, but Wal-waal lies well over 100km to the west of the provisional frontier that had been agreed in 1897 (Drysdale, 1964: 49; Hess, 1966: 173).*

ory aside from the Djibouti-Addis Ababa railway corridor were henceforth renounced (Hess, 1966: 173).

On 3rd October 1935, employing a huge force of some 800,000 soldiers (including between 30,000 and 40,000 Somalis), 600 aircraft and 400 tanks, the Italian invasion of Ethiopia began (Kendie, 2003: 72). By 1st June 1936, Addis Ababa had fallen, and the conquest was effectively complete. The British and international positions through much of this period remained equivocal. The UK did eventually withdraw support for Italy, and the League of Nations applied sanctions against them, but both moves were feeble, late and ineffectual (Lewis, 2002: 110).

It must be noted that, however arbitrary or self-serving the Italian actions, they enjoyed a good deal of support from Somalis who formed the majority of the Italian fighting force at Wal-waal, and, as noted, constituted a significant portion of the Italian invasion force (Drysdale, 1964: 50; Kendie, 2003). The border commissions were widely unpopular, and not without cause: the Anglo-Ethiopian Commission that travelled to Wal-waal was formalising a reality that local Somalis had long feared. The British were effectively confirming the cession of the Ogadeen grazing lands to Ethiopia, in spite of a long history of Somali occupation (Drysdale, 1964: 56; Lewis, 2002: 107-108). The Italians willingly fostered this sentiment, with reference to *la Grande Somalia* deliberately invoking the Somali notion of *Soomaaliweyn* - see page 74 (Cassanelli, 1982: 34).

With the Italians now in command of most of the Horn of African empire they had long coveted, their attention turned to the protectorate of British Somaliland. With a mere 568 men in the Somaliland Camel Corps and the 1st Battalion of the Northern Rhodesia Regiment in the protectorate it was apparent that British resistance would be brief, and in spite of some heavy fighting, it took the Italians only a week to over-run the territory, assuming full control on 18th August 1940 (Drysdale, 1964: 58).

The Italian imperium was short-lived, though. By early 1941, their fortunes in the European and North African theatres were turning as their Greek invasion foundered and British forces achieved success in Libya, and after only seven months of Italian control, a British force from Aden re-entered Berbera in March 1941, with the Italians completing a withdrawal from Ethiopia on 5th May of the same year (Drysdale, 1964: 58-59).

As short-lived as it had been, the Fascist era had a strong effect on many northern Somalis. The forceful subjugation of the Majerteeni sultanates simultaneously strengthened some kinship and religiously-based systems as they sought to resist the external intrusion, while undermining others as the Italians sought to forge alliances with those who were willing. The Fascists also gave voice to a form of Somali nationalism that built directly on the concept of *Soomaaliweyn* yet in almost every era, has existed outside the context of any Somali nation-state. This placed Somalis in an unfamiliar situation: for the first time, apparently realisable hopes for a political union of Somalis were built on the coat-tails of foreign imperial ambition. While Somali aspirations were still justified on the basis of Islam, it is significant that the Italian invasion of Ethiopia

was not only foreign but secular and undertaken by a Christian and European power. This turned many of the traditional assumptions about Somali unity and identity on their head.

In parallel, though, the Fascist regime had vigorously promoted Italian colonisation and the expansion of settler farming. This too had a profound but quite different impact on the indigenous southern population. The number of agricultural concessions increased from four in 1920 to 150 in 1933, covering 61,000 hectares; a little short of half of which were under cultivation with the rest reserved for pastureland. This expansion was accompanied by infrastructure development, the introduction of a number of new crops, and the continued growth of easily the largest agricultural company, Società Agricola Italo-Somalia (SAIS), which proved hugely profitable as a result of access to state-subsidised materials and capital (Hess, 1966: 163; Laitin and Said S. Samatar, 1987: 59). Banana production alone increased from 400 tons in 1926 to 49,000 tons in 1937 (Laitin, 1977a: 63). Since the brief period of the Filonardi concession in the late nineteenth century, Italian interests had imposed a monopoly on all exports. From 1923 they pursued what they called the '*kolonya*' system in which the most fertile land was forcibly confiscated without compensation, with agriculturalists and villagers conscripted as farm workers. This enormous expansion in agricultural output was enabled by a coerced and rapid transition from food crops to cash crop monoculture, with the result that, in the midst of rapidly rising agricultural output, southern Somalis suffered further severe food shortages between 1938 and 1942 (Brons, 2001: 147-149). The Italian invasion of 1935 had already created an earlier crisis as it had severed critical trade links between Somali areas and with other trading partners, preventing traditional flows of agricultural produce to northern Somalis and disrupting the import of non-indigenous staples (Abdi Ismail Samatar, 1989: 66-67).

The Road to Independence - British Military Administration and Italian Trusteeship: The Fascist defeat left all of the Somali territories as well as Ethiopia under British control, with the exception of French Somaliland, which at that stage remained a part of Vichy France. Britain then supported Haile Selassie's return to the Ethiopian throne, and also blew hot and cold on his desire to regain control of Eritrea and Somalia. As Italian defeat in the Horn loomed, RAF planes dropped leaflets over Eritrea containing a message from Selassie declaring his desire "... to restore the independence of my country, including Eritrea and Benaadir, whose people will henceforth dwell under the shade of the Ethiopian flag" (Drysdale, 1964: 65).

The British moved quickly to relinquish their responsibilities in Ethiopia, and on 31st January 1942 agreed to disband the interim military administration that had been created to fill the vacuum left by the Italian withdrawal. However, citing a fear that the Vichy-aligned government in Djibouti might cause trouble, they retained responsibility for administration of the Somali territories in Ethiopia, thus maintaining the greater Somalia which had been unified by the Italian invasion (Drysdale, 1964: 60; Lewis, 2002: 116-117). This logic is not altogether convincing: the French Djiboutian government did not possess the military capacity to threaten the enormous area of the Ogadeen. Equally, the Ethiopian administration was not equipped to assume control of the territory either. In the event, the British supported an insurrection by a Djiboutian French general

and by the end of 1942 had helped replace the Vichy government in Djibouti with one that recognised General De Gaulle's Free French (Drysdale, 1964: 61 & 64).

The British had not been prepared for such a quick Italian capitulation, and the team placed in charge of administration was tiny and inexperienced, although possessing of a good deal of energy and initiative. They saw themselves as liberators, freeing Somalis from the yoke of fascism, and to a large extent were received as such (Lewis, 2002: 118 & 120).

The Italian-established police force was disbanded and replaced with a British-led gendarmerie, with a police school established to train officers. The provincial administrative system was dismantled and placed under the control of British Civil Affairs officers while tribal assemblies were encouraged to assume a role as the point of contact between local communities and the British administration. Labour and trade laws were also liberalised and smallholders encouraged, allowing greater participation from Arab and Somali merchants and, in the south, Bantu agriculturalists (Lewis, 2002: 118-119). The interim administration encouraged a return to food crop production in an effort to address food insecurity, but also reintroduced a system of forced agricultural labour, which they called 'compulsory rotating labour' (Brons, 2001: 149).

In this period, there was a surge in the formation of groups intended to move Somali society beyond the clan-based politics of the past and to embrace a new spirit of nationalism (Touval, 1963: 78-83). Most of these were established in Muqdisho, and reflected a commitment to some form of 'post-clan' politics such as that which had long existed within Islamic Somali tradition. During this period, though, the role of Islam as the cohering factor in calls to unity was becoming less consistent. This is not to say that any party was proposing secularisation as such, but the growth of nationalism showed signs of evolving into a movement in which secular (cultural and political) arguments might coexist with religious justification.

One of the first of these nationalist groups, and certainly the most influential was the Somali Youth Club. Founded in May 1943, the members changed their name to the Somali Youth League (SYL) in 1947 and established a strong national political programme aimed at the unification of Somalis, the repudiation of clan distinction, the provision of modern education for Somali youth, and the promotion of the Somali language and the Osmaniya script⁵⁴ (Lewis, 2002: 123; Ware, 1965: 175). Other groups also emerged, including Jam'iyyah al Khayriyyah al-Wataniyyah, or the Patriotic Benefit Union, representing the southern Saab clans, Mirifle/Rahanweyn and Digil of the riverine areas. Jam'iyyah later changed their name to Hisbia Digil-Mirifle (Digil Mirifle Party or HDM), then again in 1957 to Hisb al-Dastuur Mustaqil al-Somali or Somali Independent Constitutional Party (HDMS) (Mohamed Haji Mukhtar, 1996: 548).

⁵⁴. The script was developed between 1920 and 1922 by 'Usmaan Yuusuf Keenadiid, the brother of the Suldaan of Hobyo, and became known as Osmaniya in recognition of its inventor. It shows the influence of both Amharic and Arabic scripts, and is read from left to right. The term 'written Somali' (far Soomaaliga) is rendered 'US7 3h59n9 Osmaniya was adopted along with a Latin version in 1961, but Siyaad Barre abandoned it in favour of the Latin version in 1973 (Everson, 2001).

The Youth League was overwhelmingly the preserve of pastoralists and was strongly nationalistic and pro-independence, while the HDM tended to be supported by agricultural communities in the south and adopted a more conservative agenda (Lewis, 2002: 123). Although the Youth League promoted a reduction in the importance of clan affiliation, they themselves drew heavily on Daarood and Hawiye support (Ware, 1965: 176).

Throughout the period between 1940 and 1950, debate over the future of the Somali areas was vigorous. The Ethiopians were lobbying for 'return' of the Haud and Ogadeen, while Italy was expressing renewed interest in southern Somalia, and the British Foreign Secretary, Ernest Bevin, proposed in April 1946 a British trusteeship over the combined ex-Italian, Ethiopian and British portions, raising again hopes for a 'Greater Somalia' (Drysdale, 1964: 63; Touval, 1963: 78-80). In proposing this solution, Bevin did show some apparently genuine concern for Somali interests, noting that he desired "... that the nomads should lead their frugal existence with the least possible hindrance and there might be a real chance of a decent economic life, as understood in that territory", although in the same speech, he also noted that, should the proposal not find favour with his international colleagues, his government would "... not be dogmatic about it" (Touval, 1963: 79-80). The British also made some effort to entice Ethiopia to relinquish claims over the Ogadeen by reviving the proposal that they be ceded Seyla' by way of port access, but neither the Ethiopians nor the other key international actors were interested (Laitin and Said S. Samatar, 1987: 63-64; Lewis, 2002).

By the end of 1946, there was still no agreement on how the territories of Italy's erstwhile African empire should be administered. British intentions were distrusted by the other allied powers⁵⁵, Ethiopia was determined to win back those areas ceded to them in earlier treaties, and the Italians were actively trying to promote their own interests in their former Somali territories (Laitin and Said S. Samatar, 1987: 64). Eventually, it was decided that a Four-Power Commission would be established, including representatives from Britain, France, the Soviet Union and the United States, with a duty to canvass the opinions of the populations of each of the areas concerned and then to make a decision. Commission members duly arrived in Muqdisho on 6th January 1948 and shortly afterwards were faced with a rally encouraged and financed by Italian interests to show local support for the return of Somalia to Italy. Believing that such rallies could be used to gauge local sentiment, the Commission asked that the SYL, who opposed Italian designs, also arrange a rally. They duly did so, assembling in central Muqdisho on 11th January. Much of the Italian community and their supporters from the rally a few days prior also gathered in the same location, and a violent clash erupted. Many of those present were armed, and by the end of the battle, fifty-one of the Italian supporters had been killed, along with seven-

⁵⁵. *As well as supporting the final dissolution of the British Empire, the US apparently felt that the return of Italian colonies to an impoverished Italy, rebuilding itself in the aftermath of Fascism, might promote Western democracy, while the Soviet Union hoped that the same act would promote the fortunes of the Italian Communist Party. They too were recorded as feeling that British power in the region was already too great (Jama Mohamed Ghalib, 1995: 27).*

teen Somalis, probably mostly SYL supporters (Ahmed I. Samatar, 1988: 54; Drysdale, 1964: 70; Lewis, 2002: 126-127; Tripodi, 1999: 362).

Against this backdrop, the Commission met to hear representations from each of the interested groups. An Italian-funded coalition known as 'Conferenza della Somalia' sat on one side, arguing for a thirty-year Italian trusteeship but with a programme of extensive reform of the country aimed at promoting indigenous development and preparation for eventual self-rule. On the opposing side, the HDM had by this time sided with the SYL in favouring a four-power trusteeship, although the Youth League preferred a ten year term and a relatively quick transition to full independence, while the HDM preferred a thirty-year trusteeship⁵⁶ (Lewis, 2002: 127).

In the event, the Commission concluded, undoubtedly accurately, that the SYL held a clear majority of public support, though noting differing patterns in each region. However, while the deliberations had been taking place, two of the four powers had themselves shifted positions. Britain were now persuaded of the merits of Italian trusteeship, so joined France and the United States in that view, while Russia, who had previously favoured the same was now convinced in favour of four-power administration. Unable to resolve the deadlock, in September 1948 the Commission handed the problem to the UN General Assembly (Ware, 1965). Britain was vigorous in promoting the Italian cause, and statements in the House of Commons were designed to discredit the SYL. Meanwhile, both the dwindling Italian support base and the Youth League despatched lobbyists to the UN to argue their respective cases (Lewis, 2002: 127-128).

With an evidently increasing majority favouring the SYL and vigorously opposed to partition of the Somalilands, a petition had been drawn up in 1947 and signed by representatives of all the Ogadeen and Haud clans apart from the 'Iise. It was presented to the British authorities and demanded that their land not be transferred to Ethiopia. However, with Ernest Bevin's proposal to retain the Ogadeen and Haud within a British Protectorate having failed to find favour amongst the Four Powers, Britain was by then resolved to accept Ethiopian claims. It is notable that British officials in Somaliland were "... as vehement and unanimous in their opposition to the repartition [including both the Italian trusteeship and reversion of the Ogadeen to Ethiopia] as were Somali nationalists" (Laitin and Said S. Samatar, 1987: 64). However, their position was overruled and it was agreed that Ethiopia would assume control of the Ogadeen, while a territory designated 'Haud and Reserved Area', which in 1935 had been identified as the limit of the grazing areas of the British Somaliland clans, would remain under British military administration. On 23rd September 1948, the new Ethiopian administrators assumed their duties in the corners of the Ogadeen, thus introducing central Ethiopian control over the area, almost certainly for the first time in history (Drysdale, 1964: 70-71).

The General Assembly convened in late 1949 at their temporary headquarters at Lake Success, New York, to decide the case. Demonstrations were organised in Muqdisho to protest against

⁵⁶. *When pushed, the Hisbia Digil-Mirifle leadership stated that any trustee other than Ethiopia - even Italy - would be acceptable, provided they accepted the 23 conditions that had been drawn up by the Conferenza della Somalia (Four-Power Commission, 1948: 419).*

the possibility of an Italian trusteeship and to coincide with UN deliberations but in the event, foreign interests once again trumped Somali and the Assembly declared that the former Italian territory would be placed under a ten-year Italian trusteeship (Lewis, 2002: 128). In December 1950, a Trusteeship Agreement was approved by the General Assembly in which Italy accepted responsibility for guiding Somalia to independence within a decade and guaranteed that they would uphold a raft of human rights with a UN advisory body overseeing their performance. The agreement established the Amministrazione Fiduciaria Italiana della Somalia (AFIS) as the primary administrative body for the territory (Said S. Samatar in Metz, 1993: 20). The specificity of the terms under which the administration was to function did serve to allay the fears of many Somalis, although the initial actions of the administration in demoting or imprisoning several key SYL opponents undermined this (Lewis, 2002: 139-140; Ware, 1965: 175).

The trust administration was convinced that Somalis were not ready for elections, and that 'democratisation' would have to be gradual (Ware, 1965: 177). However, with only ten years in which to complete the transition, there was little scope for extended general, civic or electoral education programmes. The first step was the creation of a Territorial Council in 1950, which consisted of thirty-five Somali members, and acted in an advisory capacity, with a remit to debate and comment on all issues relating to proposed AFIS legislation. The Council came to be dominated by the various southern political parties (Said S. Samatar in Metz, 1993: 21).

A five-year plan was also instituted in 1952 with UNESCO support, achieving considerable success in delivering primary, secondary and tertiary education, increasing general educational enrolment rates from about 2,000 children and adults in 1950 to over 31,000 seven years later. The initiative also included the establishment in 1950 of a School of Politics and Administration and in 1954 an Institute of Law and Economics, both in Muqdisho (Lewis, 2002: 140-141).

Municipal elections were held in 1954 in which all men over 21 years of age were entitled to vote; a system that was also employed in a general election in 1956. All men and women over 18 years of age were then permitted to vote in a further municipal election in 1958, as well as a general election in 1959. The SYL won each of these electoral competitions by a wide margin, with SYL leader 'Abdillaahi 'Ise assuming the role of Prime Minister in 1956 for a four-year term (Said S. Samatar in Metz, 1993: 22; Ware, 1965: 176-179). Meanwhile, the Italian authorities opened senior roles in the civil service to Somali applicants, managing by 1956 to place Somali administrators in the top positions in each of the districts and provinces (Lewis, 2002: 141; Ware, 1965: 180).

The vote was finally extended to women in 1958, with female and minority participation actively promoted, while clan identification was discouraged in an effort to 'modernise' the social and political environments. Under Prime Minister 'Abdillaahi, the Somali leadership of the SYL became reconciled to Italian administration, even developing strong ties with them. Indeed, more radical factions within the League accused the leadership of becoming too close (Said S. Samatar in Metz, 1993: 22). Whatever the relative strengths of opinion on the matter, though, there is no doubt that both Somali unification and independence were widely supported. Prime

Minister 'Abdillaahi's July 1959 statement that "... all means must be employed - within the framework of legality and the pursuit of peace - in order to obtain the union of all Somali territories ..." (Touval, 1963: 98) differed from the more extreme position of the break-away Greater Somalia League (GSL) only in the use of the words 'within the framework of legality'. While the GSL did not explicitly advocate war in pursuit of reunification, they did promote a more ambiguous position on the subject (Touval, 1963: 97-98).

With feeling running so strongly in favour of speedy independence and as a first step towards reunification, the UN General Assembly resolved in December 1959 to bring the date for autonomy forward from the original mandate of December 1960. 1st July of the same year was declared the new expiry of the AFIS trusteeship (Lewis, 2002: 162).

Independence and Unification - Preparations in the British Protectorate: Developments in the northern regions were much slower, with no date set for independence, and little talk of it. There was also astonishingly little cooperation or dialogue with the Italian administration in the south (Lewis, 2002: 148).

One significant indicator of the lack of progress in the protectorate lay with education. Prior to the war, a 1920 plan for six elementary schools and one intermediate had failed when the colonial authorities insisted that no funds would be available from the UK. A livestock tax was proposed instead, but this caused a riot in Bur'o in which the District Commissioner was killed, so the plan was dropped (Lewis, 2002: 103). In 1929, a tiny sum of public funding was offered to Islamic schools on condition that they teach arithmetic and Arabic writing and by 1934, there was a single government-run elementary school, attended by 120 students. The education budget for the whole protectorate was £500 per annum, of which £100 covered the subsidies for Quraanic schools. Part of the problem lay in local suspicion of British plans for education, as feeble as they were. Religious leaders in particular feared that new schools would serve as cover for Christian missionary work. Although the British had long prevented mission schools from operating, the suspicion lingered (Lewis, 2002: 103; Touval, 1963: 64-65). With no secular education system, the protectorate remained almost devoid of an administratively trained or politically-conscious cohort. After the war, the situation did begin to improve, with school enrolment amongst Somalis rising from 1,424 in 1948 (of whom 57% were in private Quraanic schools) to 6,903 in 1957 (67% in Quraanic schools). An increase, but hardly an impressive one, given a total protectorate population of about 650,000 (Touval, 1963: 82).

A number of administrative adjustments were made with the intention of involving Somalis in the running of the territory, but these too were slow and real devolution was reluctant. The policy of employing '*aaqils*' as liaison officers between the protectorate administration and local communities was strengthened when the position was upgraded to 'Local Authority', attracting a small but regular salary of up to £15 a month (Lewis, 2002: 150). An Advisory Council was also established in 1947, consisting of forty-eight members nominated by communities across the protectorate, and with a 'balanced' representation from each of the main clans. Although this

council held no formal authority, it did offer an important channel for the communication of community wishes to the administration (Brons, 2001: 153; Lewis, 1999: 279n).

The situation changed on 29 November 1954, when Britain signed a new agreement with Ethiopia formally withdrawing all remaining British administrators from the Haud and Reserved Area. Somali rights to grazing lands on both sides of the Anglo-Ethiopian border were explicitly retained, but the terms were negotiated without consultation with Somalis. This new arrangement attracted immediate and vociferous opposition from throughout the protectorate, with major demonstrations and formal representations to the British Government in London and the UN in New York. The move was the catalyst for the formation of a new political grouping called the National United Front (NUF), who advocated the unification and independence of all the Somali territories. Remarkably for such an overwhelmingly Muslim territory, one of the instigators of the NUF and a leading campaigner against cession of the Haud to Ethiopia was an Aden-educated Catholic from the Habar Je'lo, Michael Mariano (Drysdale, 2000: 64; Lewis, 2002: 127; Said S. Samatar in Metz, 1993: 24-25; Touval, 1963: 104-105). Mariano had been an official in the protectorate administration, and is seen by many as "... one of the founders of modern Somali nationalism ..." (Touval, 1963: 105).

As had been the case in September 1948, with the cession of the Ogadeen, many British administrators remained opposed to the policies of their government, and the government themselves adopted contradictory positions; sometimes preferring friendship with Ethiopia, while at others professing a concern with Somali welfare. Realising the strength of Somali opinion on the issue, a fruitless diplomatic mission was despatched to Addis Ababa in April 1956 to plead that Ethiopia permit Britain to purchase the Haud (Lewis, 2002: 151-152).

Although the efforts of both the British and the NUF to secure the Haud were a failure, they initiated an increased enthusiasm in the protectorate for self-rule. Indeed, the final cession of the Haud was widely and quite reasonably seen by Somalis as a British betrayal of the protection treaties, contributing to the perception that protectorate status offered nothing of value (Jama Mohamed Ghalib, 1995: 28-29). The British administration finally seemed to recognise independence as an inevitability, and in 1956 announced that preparations would be accelerated and that the British government would not object to future union with Somalia should that be desired (Lewis, 2002: 152; Said S. Samatar in Metz, 1993).

A development programme similar to that in the south was initiated, with a greater focus on education and the promotion of Somalis into senior administrative positions. A fifteen person legislative council was introduced with effect from February 1957, with six 'unofficial' Somali members to be chosen from a list of sixteen nominated by the Advisory Council. A series of hotly contested debates in Hargeysa generated a list of twenty-four rather than sixteen. Mariano and the NUF played a significant role in these public meetings, attempting to persuade participants to elect candidates on the basis of party affiliation rather than clan. This initiative largely failed and the twenty-four person list represented clans and sub-clans rather than parties (Lewis, 1999: 279-280).

In January 1959, while on a five-day visit to the protectorate, the British Secretary of State for the Colonies, Alan Lennox-Boyd, declared that Britain would support "... a closer association between ... [the protectorate] and Somalia ..." if that was so desired by the Legislative Council (Drysdale, 1964: 100-101; Hall, 1961: 27). An expansion of the council was then announced, including twelve elected representatives who would serve alongside seventeen appointees of the British administration. The election of the twelve members was held in February 1959, with males over 21 and owning either camels or a house permitted to vote in urban areas, while rural communities decided their vote in clan meetings (Hall, 1961: 28; Lewis, 2002: 153; Said S. Samatar in Metz, 1993; Touval, 1963: 108).

The NUF had by this stage lost the broad support they had enjoyed during the Haud campaign, and were identified primarily as a Habar Je'lo party; the Somali Youth League was present and tended to appeal to Daarood members in the east of the protectorate, but struggled to win the loyalty of a large northern base; while the Somali National League (SNL), commanded some support, in particular amongst the non-Habar Je'lo Isaaq (a small number of Habar Je'lo supported the SNL rather than the NUF) (Touval, 1963: 104-105). All of the parties advocated independence, although by 1957 the SNL were identified with the most strident calls for an early departure of the British administration (Lewis, 2002: 135 & 153).

The SNL had also been calling for a Somali majority in government as an interim measure, and when the February 1959 formulation was announced with only twelve elected members in a Council of thirty, they announced a boycott of the election (Laitin and Said S. Samatar, 1987: 66; Lewis, 2002: 153). Rather than leaving the way open for SYL and NUF candidates to assume all the available seats, though, the Youth League failed to win any at all. The NUF took seven and the remaining four went to independents, one of whom was an SNL member⁵⁷, although not standing on that ticket (Lewis, 2002: 153). Although votes were recorded by party, most voting clearly followed clan lines (Lewis, 1999: 281-282).

This was a significant setback for both the SYL and the NUF and it took only a few more months for the SNL to get their way; a new Order in Council was issued in November 1959, creating a 37-member legislative council, of which 33 were to be elected (Ibrahim Hashi Jama, undated). The election was to take place on a 'first-past-the-post' basis, where constituencies were set by region, but represented a negotiated balance between clans. A further Order in Council in February 1960 then established an Executive Council of Ministers, three of whom were to be ex-officio members of the British administration with four to be appointed by the Governor from amongst the elected Somali members (Ibrahim Hashi Jama, undated). The Governor was to make his selection on the advice of the leader of the party most likely to be able to form a majority in the Council (Hall, 1961: 29).

⁵⁷. *The individual concerned was in fact Mahamed Haaji Ibraahim 'Igaal, one of the SNL founders and a future Somali Prime Minister and Somaliland President (Laitin and Said S. Samatar, 1987: 66).*

The election for the 33 members was held immediately after the introduction of these two orders, and was contested by the SNL, the NUF in alliance with the SYL, and a new party, the United Somali Party (USP). The last of these represented an alliance of the non-Isaaq clans (the Dhulbahante and Warsangeli in the east and the 'Iise and Gadabuursi in the west) and co-operated with the SNL during the election (Hall, 1961: 30-31; Lewis, 2002: 154). With the SNL representing most Isaaq clans with the exception of many Habar Je'lo, and the USP drawing support for the majority of non-Isaaq clans, the alliance proved too strong for the NUF and SYL. The SNL secured twenty of the thirty-three seats, while the USP won twelve. The NUF was successful in securing only the 'Eerigaabo seat of Michael Mariano, while the Youth League again failed altogether. In truth, the NUF/SYL alliance had attracted just over 31% of the vote, but because their support was geographically spread, the 'first-past-the-post' constituency system did not benefit them (Touval, 1963: 106). This result marked the effective demise of Mariano's NUF, and the four Executive Council Ministers were all appointed by Governor Douglas Hall from amongst members of the SNL and USP, with SNL leader, Mahamed Haaji Ibraahim 'Igaal designated Minister for Local Government (Hall, 1961: 31; Lewis, 2002: 154). In many ways, this shift marked the end of what had shown signs of establishing itself as a nationalist, inter-clan movement in the form of the NUF.

With the UN General Assembly vote in December 1959 having declared a date for southern autonomy, the desire within Somaliland to also quickly achieve independence and union with the south was intensified. One of the first actions of the new Somali-dominated Legislative Council was therefore, on 6 April 1960, to resolve that "... practical steps should be taken forthwith for the immediate unification of the protectorate and Somalia ... and that the date of our independence and unification with Somalia must be 1st July 1960, the date when Somalia will attain its full freedom" (Lewis, 2002: 162; Touval, 1963: 111)⁵⁸. By that stage, no doubt conscious of the enormous unpopularity of their failure to retain the Haud as Somali territory, the British authorities had resolved that the best means of serving their own interests was to maintain positive relations with an independent Somaliland, whether united with Somalia or not. Consequently, they declared a willingness to cooperate fully with plans for independence (Touval, 1963: 111-112).

Although enthusiasm for union was strong, some Somalis were calling for a degree of caution, preferring a federal structure and a slower integration of the two territories⁵⁹. Michael Mariano in

⁵⁸. *The decision to press for independence on 1st July 1960 apparently took almost everyone involved by surprise. In a speech presented in December 1960 to a joint London meeting of the Royal African and Commonwealth Societies, the protectorate Governor at the time, Sir Douglas Hall, refers to private meetings in the months beforehand which convinced him that none of the political party leaders had expected independence in anything less than two or three years (Hall, 1961: 30).*

⁵⁹. *There was also distinct concern amongst British administrators, politicians in London and the British press that the speed with which unification was being pursued might prove a mistake. The British political position was reflected in a note presented to the Cabinet in April 1960 noting that "[t]he Foreign Office [is] only interested in Union to the extent that to oppose it might give Nasser or [the] Russians [a] chance to fish in troubled waters. We would prefer [the] Protectorate to develop on parallel lines to Somalia towards independence, working under our guidance for 'close association' with Somalia and normal relations with Ethiopia" (quoted in Jama Mohamed Ghalib, 1995: 29). The Economist magazine also suggested that the*

particular had remained close to 'Abdillaahi 'Iise in the south, and the two argued for a delay in the union, with a federation preferred in the first instance to allow the two territories time to develop complementary political systems. They even supported Somaliland's continued membership of the British Commonwealth, and there are suggestions that southern leaders made a late bid to delay the union (Jama Mohamed Ghalib, 1995: 33). These sentiments met a hostile reaction in Somaliland. The popular desire to take what was seen as a significant first step towards the formation of a Greater Somalia was intense, and union was pursued with haste (Drysdale, 2000: 72). Indeed the quest for unification of the Somali territories had assumed an aura of "quasi-sacredness" that rendered meaningful negotiation of the terms of the union "tantamount to a betrayal of the nationalist cause" (Kapil, 1966: 79).

A conference was hastily called for mid-April in Muqdisho to negotiate the terms of the impending union, and agreement was reached that the two territories would unite as a unitary state under a single elected president, with a council of ministers reporting to a unicameral parliament composed of the two constituent assemblies. It was further agreed that the constitution of the Italian territory would be used as the basis for a constitution for a united Somalia (Lewis, 2002: 163; Touval, 1963: 112).

As soon as the Muqdisho conference was concluded, the leadership of the Legislative Council of the protectorate travelled to London to sign the papers confirming the end of British administration. These matters were concluded between the 2nd and 4th of May 1960, with the only British request being the retention of rights for the BBC to continue to broadcast from the relay station in Berbera. At the conclusion of the conference, Lennox-Boyd's successor as Secretary of State for the Colonies, Iain Macleod, confirmed that the British Government had resolved to work towards protectorate independence on or before 1st July 1960, with 26th June specified as the target date (Hall, 1961: 32; Lewis, 2002: 163). A period of just under a month had elapsed from the first formal declaration that independence and union must be concluded by 1st July, to the agreement of the terms under which both would occur. Fifty-three days later, on 26 June, the British Protectorate was granted independence, allowing five days before the Italian trusteeship achieved the same status, at which point the two united under the terms that were broadly agreed in the Muqdisho conference.

This headlong rush towards independence and unification with the Italian trusteeship meant that there was no time for existing institutional arrangements to be allowed to adapt to radically altered meta-constitutional and constitutional situations. The resultant dysfunctionality can be seen with reference to our analytical framework: endogenous contextual institutions remained focused on pastoralist lifestyles, with administration of the state still provided exogenously and with little direct impact on the day-to-day lives of most northern Somalis. New constitutional rules were debated, but there was no institutional framework within which they could take root,

various parties might become less enamoured of "... a complete union and more in favour of some kind of federative solution" as the time drew closer and the immense challenges more evident (Economist, 1960). In the south too, the Hisb al-Dastuur Mustaqil al-Somali or HDMS had long argued for the adoption of a federal system (Mohamed Haji Mukhtar, 1996: 549).

and consequently they remained almost entirely absent. What had seemed, in the NUF, to be a potentially advantageous accommodation between north and south, and across the northern clans, was unable to sustain itself in the face of more traditional clan, and perhaps religious, lines. There is disagreement over whether Mariano's Catholicism was a factor in the sharp decline in his profile once the protectorate began to hold elections, but some suggest that it was (Said S. Samatar in Metz, 1993: 25-26; Touval, 1963: 105). Whatever the reality on this, in hindsight the NUF's decline marked a reversion to a much more clan-based political arrangement.

Kenya's Northern Frontier District, French Somaliland and a Death for Soomaaliweyn: In spite of the best efforts of many, neither the Northern Frontier District of Kenya nor French Somaliland were to follow suit. The French administration was resolutely unwilling to countenance independence. The population had opted to remain an overseas French territory in a referendum in 1958⁶⁰, and the following year, while visiting Djibouti, General de Gaulle had announced that France had no intention of permitting greater autonomy (Lewis, 2002: 183).

The British in Kenya decided in late 1962 to hold a referendum in the Northern Frontier District to determine the wishes of the inhabitants, and they appointed a two-person commission to carry this out: a Canadian general and a retired Nigerian lawyer. The referendum found an overwhelming ('almost unanimous') consensus amongst Somalis in favour of secession from Kenya and eventual union with Somalia (Ahmed I. Samatar, 1988: 66; Lewis, 2002: 191). However, faced with fierce Kenyan opposition, the colonial authorities reneged on their commitment to honour the referendum and declared that Kenya would retain the Somali and Oromo territories of the British colony (Ahmed I. Samatar, 1988: 66). Prior to Kenya's independence on 12 December 1963, the likely leadership pairing of Jomo Kenyatta and Tom Mboya repeated their position on Somali autonomy, accepting a degree of self-governance, but only within a Kenyan nation. They warned that they would vigorously resist any Somali insistence on secession and submit a counter demand for the return of Jubbaland to Kenya (Drysdale, 1964: 108).

Concluding Comments on the Colonial Era: In building a picture of events as the Somalilands moved through the colonial phase, then towards independence we gain a valuable insight into the lack of room for manoeuvre available to Somali politicians and members of the public as a sense of 'national' identity evolved.

The British administrations were poorly resourced and ineffectual, willingly foregoing influence with Somalis in an effort to minimise the cost of running the protectorate. The divergence between British approaches and objectives in the northern regions with those of Italy and Britain in the south was wide. The southern Somali areas, with fertile riverine areas, proximity to the British colony in Kenya, and trading centres in the Swahili coastal zone was far more attractive

^{60.} *Djibouti again rejected independence in a referendum on 19th March 1967, opting instead to retain close links with France. The French achieved this result through judicious application of electoral rules that permitted only French citizens to vote (within Djibouti, the majority who had opted for French citizenship by that time were Afar rather than Somali). Consequently, the result was initially rejected by Somalia and by many Somalis within Djibouti. In time, however, it was effectively accepted by all parties (Marks, 1974).*

than the semi-arid north, where the only concern was maintaining a steady supply of meat for Aden and minimising the influence of other European interests.

The light hand of the British colonial administration gives rise to arguments that the northern regions retained their social cohesion and recourse to tradition, enabling them much later to move successfully towards state formation. This thesis argues that this position is incomplete, but it is certainly true that "... the perpetual disruption of the normal economic cycle and social life of the Somali pastoralists" (Lauderdale and Toggia, 1999: 166) was much less evident in the north than in the southern Somali areas in the colonial period prior to World War II.

In fact, from some perspectives, it's something of a paradox that the northern regions have achieved the greater success in establishing stability and negotiating an accommodation with representative democracy and the nation-state system. Certainly a Gellnerist reading would suggest that the common northern ethnicity, culture, language and religion should contribute to a sense of common identity, thus helping to foster a sense of nationalism (Gellner, 1983). An alternative view, though, would hold that the greater integration of the south with international trading routes, and the area's relative social heterogeneity should have meant that many of the accommodations required for stability in a more pluralist context would already have been made. As noted much earlier in the thesis, we will not attempt to address this paradox directly; it is simply noted.

Abdi Ismail Samatar does identify a significant social shift that is particularly applicable in the north. He describes a transition from the predominantly communal pastoralism of the pre-colonial period, to a 'peripheral capitalist pastoralism' that was brought about by colonial powers keen to trade in meat, hides and other commodities (1992: 631-633). Where the riverine areas of the south were notable for their large expanses of cultivable land and the presence of a far greater number of ethnically variant groups, a process that might be termed 'peripheral capitalist cropping and pastoralism' had been established for centuries through the trade-based sultanates of Ajuuraan and Geledi, and as a basis for the relationship with the Zanzibari and other external powers. In the northern regions, though, Samatar's description carries considerable and evident validity.

In the terms of the framework outlined in section 2.2.4 *An Adapted Framework* (from page 39), this can be seen as a disruption of the contextual norms that had traditionally been employed by indigenous Somali communities in place of institutional arrangements that were premised instead on the extraction of commercial value through an atomised system in which individuals and the state are defined with reference to each other (Lauderdale and Toggia, 1999: 157).

The British liked to describe the protectorate as subject to indirect rule, going as far as to state that "British Somaliland is not British territory ... His Majesty does not possess full sovereignty there, but has for many years possessed full powers of administration and jurisdiction by usage and sufferance ..." (Drysdale, 1964: 59). That said, Lewis notes that the British administrative structure made only 'superficial concessions' to indirectness in administration (Lewis, 2002: 105). The District Commissioners wielded enormous effective power due to their isolation and

the lack of a more extensive bureaucracy or communications system. Close indeed to Mamdani's 'decentralised despotism' (Mamdani, 1996: 37).

There was so little effort on the part of the British administration to introduce any significant level of colonial administration or to expand formal education or the possibility of local participation in the administrative structure that did exist that there remained practically no educated Somali elite who might have articulated and inspired some nascent sense of secular nationalism (Touval, 1963: 62-64). Resistance to colonial rule therefore tended to arise, as it had done in the past, from religious quarters. Sayyid Mohamed 'Abdille Hassan the most successful, although by no means the only, proponent and organiser. Indeed, the Sayyid's *Daraawiish* movement was the cause of the biggest shift in British attitudes to the Somali clans since their arrival in the area. Faced with a significant and concerted challenge to their authority, the British became much more active in recruiting and arming local allies amongst groups who were not siding with the Sayyid.

The *Daraawiish* resistance is also important for its direct influence on Somali society. Mohamed 'Abdille set out explicitly to establish a Somali state adopting a strictly Salahiyyist hierarchical structure. In the end, he too struggled to overcome the Somali social emphasis on individualism and clan identity. It was this as much as the British air-force that ended his efforts (Abdisalam M. Issa-Salwe, 1993).

The Italian presence in Somalia has been described as lacking a "... consistent colonial ideology ...", maintaining "a deliberate ignorance of internal African affairs ...", and being "... characterised by confusion, uncertainty, hesitancy, and inner contradictions" (Hess, 1966: 177). To some degree the same charge could be laid at the door of the British and, to a lesser extent the French as well. However, the Italian colonial effort also reflected much of the political turmoil at home. Early activities followed, indeed extended, the British commercial model: the Filonardi and Benaadir companies were traders that replaced Arab predecessors and relied on British support (Laitin, 1977a; Luling, 1971). The Fascist regime were much more active colonists, and did place greater emphasis on economic development and infrastructure, largely at the expense of the indigenous population. In common with their British and French counterparts, they systematically excluded Somalis from the formal system of administration, and the extent of Italian commercial ambition in the Fascist period meant that exclusion was far more pervasive: where the British cared little for economic expansion, the Italians emphasised it, utilising forced labour and preventing Somalis from owning land (Laitin and Said S. Samatar, 1987: 62; Laitin, 1977a: 64).

At a collective level, all the colonial powers interacted in a manner reminiscent of some sort of club for the privileged: they traded territory with each other with scant regard for the inhabitants, engaging in absurdities such as deal-signing in Jubbaland in 1889 where the British administrator signed on hand-altered letterhead on behalf of a disinterested Italian government (Laitin, 1977a: 59-60). In a similar vein, the level of duplicity was remarkable. The Italians, in particular, in their relationship with the Ethiopian leadership over 'effective possession' were blatantly de-

ceitful, while British complicity in the fiction evidenced the degree of reluctance on their part to rock the boat.

The French also played a similar role, although by and large they restricted their attentions to the colonisation of Djibouti and its establishment as a viable commercial trading centre. It is hard to avoid the notion that, while the French colonists showed a disdain for their 'native' populations just as great as that of the other colonial powers, their more limited ambitions were nevertheless far more effectively implemented than was the case with the British, the Ethiopians or the Italians. They constructed a modern port in Djibouti, to service their railway which finally reached Addis Ababa in 1917 and some argue that this had some positive effect on the local population (for example, Drysdale, 1964: 98), though the degree was limited. Their intention was for Djibouti to assume Seyla's historic position as the primary port along the northern Somali coast; an objective that was achieved, a fact to which the present condition of Seyla' as an isolated and depopulated collection of ruins and huts attests (Laitin and Said S. Samatar, 1987).

In almost all cases up until the period immediately preceding independence, the colonial powers retained a belief in the moral 'rightness' of their colonising mission, thus allowing them to rationalise their callous attitudes to those living in their 'spheres of influence'. The one somewhat consistent exception to this seems to have been the tendency for some of the British administration staff to sympathise with Somali concerns - often in opposition to their Colonial Office overlords in Whitehall.

Notwithstanding the opposition of some local colonial staff, though, the colonial era, and in the northern regions, particularly late colonialism, saw the imposition of exogenous institutions, including the full assumption that Somalis would take naturally to representative forms of government. No effort was made to integrate this radically different constitutional regime with existing Somali customs. Of course, this attitude was hardly unusual for its time, but that acknowledgement is not to suggest that it was any less foreign or inappropriate given the astonishingly rapid transition that was attempted.

With the possible exception of the Sayyid's efforts to organise a multi-clan opposition to colonial rule and an administration to support that opposition, though, the period primarily saw a focus amongst Somalis on getting on with business. Resistance was periodic and not infrequent, but was generally small-scale and organised within clan structures. In any event, the colonial powers actively sought to limit the ability of Somalis to organise themselves politically. Consequently, the impact of colonialism on the Somali territories, while it differed from one to another, tended to maintain segmentation and difference.

The final headlong rush to independence simply occurred too quickly for this situation to be substantially altered. Consequently, a partially united Somalia entered an era of independent administration with few of the resources and little of the experience needed to meet the challenges that immediately presented themselves.

4.2.3 Post-Independence

Democracy 1960-69: The newly independent Somali state took the form of a unitary republic, yet one with widely divergent systems of public administration, different legal systems and 'official' languages of government, and disparate views of the most appropriate balance of power between north and south. Indeed, the two parliaments had not even been able to agree on a common Act of Union prior to the declaration that it was meant to support⁶¹ (Drysdale, 2000: 75; Touval, 1963: 161). Some commentators argue that southerners felt that union had been thrust upon them (Jama Mohamed Ghalib, 1995: 33), while others note that northerners felt they had had little input into the adopted constitution, which was essentially the same as the model document that had been provided by the Italian administration (Laitin and Said S. Samatar, 1987: 71; Touval, 1963: 161). Indeed, there is abundant evidence that northerners sought little effective input into the constitution (Kapil, 1966: 79-80). While there is an evident paradox in a situation in which many from the north felt aggrieved at being ignored while making little concerted effort to ensure their voices were heard, that is not an unfair summation. Again, though, this naïvety is perhaps less surprising when one considers the interplay between discourse, tradition and external models. The external model, as ever, is the nation-state and the representative democracy that was meant to accompany it, while tradition supported a discursive democracy in which the right to speak was a given rather than something to be demanded or won. In this light, it is much less paradoxical that northerners assumed they would be granted a degree of influence in the new republic. They knew they would have to argue their case in a discursive environment, but they did not realise that they would be required to argue for the right to partake in that discourse. And the perception that they were indeed excluded from having a voice at all lay behind the sense of grievance. Consequently, there is little question that the final and most telling push for a quick union of the Italian and British territories came from the protectorate, yet the greatest disillusion was also felt in the north.

Once the ministers in the new government had been finalised, the list reached the British Embassy before it was made known to Mahamed Haaji Ibraahim 'Igaal, the most senior northern politician; an inauspicious start (Drysdale, 1994: 132). Of the principle portfolios, the presidency, prime ministership, foreign affairs and the interior were all held by southerners⁶². 'Igaal himself was nominated Minister of Defence, the most senior military or political role allocated to a northerner (Ahmed I. Samatar, 1988: 77n; Bradbury, 2008: 33). The northern Legislative Council joined with the southern legislature to form a single National Assembly of 123 seats; 90 for southern politicians and 33 for those from the ex-protectorate (Lewis, 1972: 392-393).

⁶¹. *The Constituent Assembly in the British Protectorate debated and adopted an Act of Union between April and June 1960, which they then forwarded to the Italian Trusteeship's Assembly. The latter Assembly however, debated and passed a different Act of Union on 30th June 1960, the day prior to independence. While the differences between the two Acts had been annotated, there was no time for the two Assemblies to meet and resolve them (Jama Mohamed Ghalib, 1995: 30).*

⁶². *The President was 'Aaden 'Abdulle 'Usmaan Daar 'Adde', with Dr 'Abdirashiid 'Ali Sharmarke his Prime Minister, both of the SYL.*

In order to resolve the constitutional vacuum, a referendum on the draft constitution was held in June 1961 throughout the nascent republic. Concerned that northern interests were already being compromised, in the lead-up to the poll the SNL lobbied voters in the ex-protectorate to boycott the vote. The result showed an overwhelming majority in favour of the constitution on a national basis, reflective of both the numerical superiority of the south and the SNL's call for a boycott. More than 1.5 million votes were cast in the south, with a mere 100,000 (6.7%) voting against. However, only 100,000 votes in total were cast in the north from an estimated population of 650,000; a 15.4% turn-out, and considerably more than half of those rejected the constitution (Lewis, 2002: 172 & 219n). In the Isaaq areas, the margin against was wide: in Hargeysa, 72% voted 'no'; in Berbera 69%; in Bur'o 66%; and in 'Eerigaabo 60% (Kapil, 1966: 88n).

Then in December 1961, a group of northern Sandhurst-educated army officers mounted a coup, arresting their (southern) superior officers and briefly controlling the main northern towns (Lewis, 2002: 174). The coup was rapidly suppressed, and there is debate over whether it was motivated by personal grievance (Kapil, 1966: 62) or a desire to sever links with the south (Laitin and Said S. Samatar, 1987: 72; Lewis, 2002: 174). However, it was clear that northern enthusiasm for the union was continuing to suffer a sudden and dramatic reversal. The coup leaders were arrested, but when tried for treason by a British judge in Muqdisho, he dismissed the charges on the basis that there was no Act of Union in place between the two Somali territories on which to base a judgement (from a personal communication between Drysdale and the judge on the day the verdict was announced, Drysdale, 2000: 78).

While the government in Muqdisho did not act decisively to ameliorate northern dissatisfaction, they were not oblivious to it. An effort was made to integrate the civil service, including the army and police, with loyal northerners rewarded for their patience, salary rates gradually standardised and an effort was made to direct a greater percentage of development funding to the north (Lewis, 2002: 174-175). For some time, the situation calmed significantly, and in hindsight, many see the years from 1962 as ones of hope and progress (Bradbury, 2008: 34).

By then, though, the two SNL members of the Muqdisho Assembly (including 'Igaal), who were part of the governing coalition in partnership with the SYL, had begun to lose their northern support base. Dissatisfaction with the government had replaced disaffection with the union. Forced to choose between the coalition and their constituency popularity, the two resigned from government in early 1963, prompting the collapse of the coalition. A new party, the Somali National Congress (SNC), then emerged from the remnants of the SNL with predominantly Hawiye associates in the south, and 'Igaal was installed as leader. With the SYL the remaining dominant member of the coalition, they assumed a more aggressive stance towards the newly invigorated opposition; one in which Ioan Lewis at least saw elements of the one-party mentality that would dominate Somali politics for some years to come (2002: 176).

Shortly after this, on 8th March 1963, the British administration in Kenya had announced their decision on the Northern Frontier District. As noted previously, the referendum had shown overwhelming support for secession from Kenya and eventual union with Somalia (Lewis, 2002:

193). However, in spite of assurance that they would respect the views of the local population, the British decision was that the NFD would remain a part of Kenya. The Somali reaction was furious, with crowds marching in Muqdisho demanding that all ties with Western powers be cut, while unruly demonstrations in Hargeysa saw the British Council offices ransacked and the windows at the home of the British Consulate-General smashed. Under huge public pressure to react, the Assembly voted on 14th March by a margin of seventy to fourteen ('Igaal being one who voted against) to sever ties with Britain. The BBC's rights to use the Berbera re-transmission station were rescinded and British overflight and landing rights for Somali airspace and airfields were cancelled (Drysdale, 1964: 139-145).

This move astonished many in the international diplomatic community, as few had expected such a bold move from a newly independent nation (Drysdale, 2000: 81). Once again, one sees the interplay between exogenous and endogenous contextual institutions, and the reformation of rules-in-use at all levels to accommodate the resultant compromises. The perception of Somali unity was based on cultural, linguistic and religious commonalities, but was assuming a political perspective that had rarely found effective manifestation in the past. The perception that a political union of Somalis, which had never existed in any prior period, was being denied by external politics generated an anger that transcended clan segmentation and drove a passionate reaction.

In these early years, the Somali government achieved considerable success in securing aid funds from a diversity of donors to support the social and economic transformation that they were seeking. However, they were less successful in their pursuit of substantial military aid, particularly falling short of targets from the US and their Western allies, who feared upsetting their Ethiopian client (Laitin and Said S. Samatar, 1987: 78). In mid-1963, Prime Minister Sharmaarke turned instead to the People's Republic of China. Negotiations seemed to be progressing very well, but to the surprise of many, it was the Soviet Union who tabled the most generous offer, worth some US\$22 million, and trumping a Western offer of US\$13 million (Abdisalam M. Issa-Salwe, 1996: 73; Lewis, 2002: 201). This marked the start of a regional 'arms race', with almost immediate ramifications: a few days before general elections at the end of March 1964, a heated border conflict broke out with Ethiopian forces. The fighting continued throughout the rest of the election period, giving rise to the government slogan 'one hand with the gun, the other with the vote' (Ahmed I. Samatar, 1988: 66-67).

By this stage, a more organised and radical opposition was also taking shape. With an election scheduled for the end of March 1964, the southern-dominated Greater Somali League (GSL), established in the 1950s, reorganised and changed their name to the Somali Democratic Union (SDU) (Brons, 2001: 164n). They adopted a political programme based on 'recognised socialist principles', including the confiscation of remaining Italian-held land, the collectivisation of agriculture, extensive nationalisation, and the abolition of clannism (Ahmed I. Samatar, 1988: 62).

In the election, the SYL maintained its dominance in the new government, partly on the back of a surge of support at a time of war, gaining sixty-nine of the 123 seats available (Lewis, 2002:

201). The SDU also won a creditable fifteen seats, to the SNC's twenty-two, while the HDMS secured only nine (Lewis, 1972: 395). By this stage, Somalia was gaining a reputation for a vigorous practice of democracy that was already at odds with the experience of many independent neighbours (Bradbury, 2008: 34). Discursive traditions - endogenous contextual institutions and the full raft of meta-constitutional and constitutional rules-in-use - were supporting vigorous debate. However, there were worrying signs: the exogenous model of democracy which these endogenous institutions were meant to be feeding into had not been institutionalised. Some of the voting returns from the election were obviously unreliable⁶³ and then, immediately after the March 1964 general election, twenty-one of the fifty-three non-SYL assembly members crossed the floor to join the Youth League, giving strong indication that their interests were rather more oriented towards the pursuit of power than the development of coherent political platforms. Indeed, this pattern of a burgeoning number of parties before elections, followed by mass defections to the victorious party once the poll had been concluded was to gather force in the coming years (Ahmed I. Samatar, 1988: 67; Drysdale, 2000: 78-79).

With the election over, and continuing SYL domination confirmed, President 'Aaden 'Abdulle 'Usmaan was charged with nominating a candidate as Prime Minister. To everyone's surprise, rather than selecting the incumbent and SYL choice, 'Abdirashiid 'Ali Sharmaarke, he preferred fellow SYL member 'Abdirasaaq Haaji Hussein (Laitin and Said S. Samatar, 1987: 74), perhaps in an effort to improve relations with the West (Abdisalam M. Issa-Salwe, 1996: 73) or else to distance himself from the accusations of corruption that had been levelled at 'Abdirashiid Sharmaarke (Ahmed I. Samatar, 1988: 67; Drysdale, 2000: 79).

The President's unexpected decision had the effect of splitting the SYL and bringing the business of government to a halt for several months while 'Abdirasaaq tried to form a cabinet (Ahmed I. Samatar, 1988: 67-68; Laitin and Said S. Samatar, 1987: 75). In the event, he selected a cabinet disproportionately weighted in favour of northerners, and instituted a programme that emphasised a drive against corruption and a greater degree of professionalism (Ahmed I. Samatar, 1988: 70).

However, with another presidential election scheduled to be decided by a vote in the Assembly in the summer of 1967, it was the new coalitions formed largely as a result of the SYL split that were to play the major role. In particular, 'Igaal had developed a close relationship with 'Abdirashiid Sharmaarke and in October 1966, he resigned from the SNL and joined the Youth League. When the election took place, 'Aaden 'Abdulle 'Usmaan stood against 'Abdirashiid Sharmaarke, and all those voting knew that, if the incumbent were successful, he would reappoint 'Abdirasaaq Haaji Hussein as Prime Minister, while Sharamaarke would appoint 'Igaal (Drysdale, 2000: 80). It took three ballots before Sharmaarke was finally confirmed as the new President, and 'Aaden 'Abdulle stood down without fuss (Ahmed I. Samatar, 1988: 70).

⁶³. Samatar notes, for example, that the village of 'Aaden Yabaal in the Middle Shabeelle Region returned 97,064 votes (Ahmed I. Samatar, 1988); more than the 77,000 recorded as living in the whole district in 2001 (FSAU, 2005a).

'Igaal was keen to seek rapprochement with neighbours as well as Britain and he pursued a very active travel schedule, meeting with many leaders. In October 1967, he signed a memorandum in Arusha, Tanzania, with the Kenyan President Jomo Kenyatta which confirmed a Somali desire to resolve issues with Kenya over the Northern Frontier District. This also established a basis for talks with Britain, and in December of the same year, diplomatic relations between the two countries were restored. Keeping up the pace, 'Igaal travelled to Washington DC in March 1968, where he met with Lyndon Johnson, and to Addis Ababa in September 1968 for talks with Emperor Haile Selassie. During the same period he also visited many other European, African and other capitals (Payton, 1980: 503). While 'Igaal's foreign policy initiatives met with considerable success, they were not viewed favourably by all at home. Sharmaarke for one was an enthusiastic proponent of *Soomaaliweyn* and, along with others, he felt that 'Igaal was selling Somali aspirations short, resulting in declining popularity for his government and increasing tensions between Prime Minister and President (Abdisalam M. Issa-Salwe, 1996: 74; Ahmed I. Samatar, 1988: 70).

Another general election was scheduled for March 1969, so 'Igaal's declining popularity was a clear concern for the government, as was the now established tendency for a multitude of candidates to stand for a plethora of parties. New electoral rules were therefore drawn up favouring the larger and more established parties; none more so than the largest of all, the SYL (Ahmed I. Samatar, 1988: 71; Lewis, 1972: 397). This did little to suppress the number of candidates or political organisations though, with a record 1,002 people standing for the 123 available seats and representing 62 parties. In spite of the enormous field, the SYL won 73 seats, and in the first sitting of the National Assembly every one of the members elected for the opposition parties crossed the floor and joined the Youth League, with the sole and noble exception of the previous prime minister, 'Abdirasaaq Haaji Hussein (Lewis, 1972: 397).

This situation was a direct result of the 'closed list' system of proportional representation that had been in use since independence. Voters selected parties, rather than candidates, with successful candidates identified in order of priority on pre-prepared party lists. Candidates therefore fought first for a high ranking on the Youth League list. If that was not forthcoming, it was in their interests to gather enough signatures from their clan affiliates to form a new party, with theirs often the only name on the party list. In the context of a nascent democracy in a clan-based society, this fostered a factionalised political environment in which the consolidation of parties with coherent policy platforms was sacrificed in favour of the pursuit of narrow self-interest. For outsiders, this represented a repugnant descent into selfish, factional political corruption. So too for Somalis: the situation was untenable and unacceptable. However, we can again view the situation through the lens of the disconnect between endogenous and exogenous institutional arrangements. For aspiring politicians and their sub-clans, the right to take a position and to argue their case was a given. If that meant forming a one-man party, then so be it. However for most, once the election had been concluded, the only rational option was to make whatever compromises were necessary to join the consensus position, which meant joining the largest party. To

stand aside from that and stick to principle was laudable and respectable, but it was also to set oneself apart from the decision-making process.

While the consequence was a chaotic and dysfunctional political environment, there is a rational basis for the decisions that were made. It is notable that the external electoral model failed to serve the situation. The system of proportional representation encouraged the extremity of the chaos. However, one must also remember that a completely different, though still exogenous, electoral model in the north - in that case, 'first-past-the-post' - also exacerbated a distorted and unacceptable outcome. While Michael Mariano's NUF/SYL alliance had secured a third of the vote, they won only one of 33 seats (see page 106). While in each case, the electoral system contributed to a representative outcome that was not reflective of opinion, it was not the system that was the essential problem. Fundamentally, the issue was the disconnection between the discursive, kinship-based institutional custom of those standing and voting, and the representative model they were expected to work within. Endogenous context remained at odds with the exogenous model being promoted.

Although the SYL gained a clear majority in the election, eight ministers lost their seats in favour of new candidates standing for small new parties, and accusations of vote-rigging and electoral irregularities were common-place (Laitin and Said S. Samatar, 1987: 76; Legum and Drysdale, 1970: B176). Public dissatisfaction with this fragmented and turbulent form of democracy was widespread, with the added paradox that the chaos of the 1969 election gave rise to the first one-party state in independent Somalia (Lewis, 1972: 397). The election itself was marred by violent protests in which over forty people are claimed to have died (Legum and Drysdale, 1970: B177). Although the precise number of election-related deaths is disputed, the respected chief of police, Mahamed Abshir Muuse, had resigned just prior to the election in protest at political interference, and there is no doubt that many members of the public, including influential intellectuals, were disgusted by a National Assembly that had become "... a sordid marketplace where deputies traded their votes for personal rewards ..." (Lewis, 1972: 399).

An additional paradox lay in the fact that, with a northern politician holding the prime minister-ship, the Daarood power bloc divided within the SYL, and the English language increasingly used as the de facto language of government, Isaaq politicians and civil servants were beginning to dominate their counterparts from the ex-Italian territory (Laitin and Said S. Samatar, 1987: 75-76; Laitin, 1977b: 12).

Siyaad Barre Coup and Ogadeen War 1969-1977: Seven months after the March election, on 15th October, a member of the police force guarding Sharmaarke's guest house, and hailing from a rival sub-clan within the Majerteen, shot and killed the President while he was visiting the northern town of Laas'aanood (Ahmed I. Samatar, 1988: 74; Legum and Drysdale, 1970: B174). The assassination was apparently in revenge for injustices meted out upon the sub-clan rather than an attempted coup⁶⁴ (Abdisalam M. Issa-Salwe, 1996: 75).

⁶⁴. *The perpetrator was quickly caught, tried and executed, and Sharmaarke was not vilified by the re-*

The Prime Minister was in the US at the time, so abruptly curtailed his trip and returned to Muqdisho. Five days of frenetic negotiation followed in an effort to find a presidential replacement, with much of the bargaining seen by Somalis as a blatant attempt to maximise power and self-interest (Ahmed I. Samatar, 1988: 74-75). Late on 20th October, the day of Sharmaarke's funeral, assembly members announced a deal to install another Daarood candidate in the presidency. At about 3am the following morning, the army, under the command of Major-General Mahamed Siyaad Barre, occupied key positions in Muqdisho. There was widespread relief when Radio Muqdisho announced later the same day that the army, with the support of the police, had assumed control of the government. Leading politicians, including Prime Minister 'Igaal - the Leader of the Opposition and the only non-SYL member of the Assembly, 'Abdirasaaq Haaji Hussein, and the former President, 'Aaden 'Abdulle 'Usmaan, were rounded up and confined to the presidential guest house in Afgooye (Abdisalam M. Issa-Salwe, 1996: 75; Lewis, 1972: 400). The National Assembly was abolished and on 1st November, it was announced that Siyaad Barre would preside over a twenty-five person Supreme Revolutionary Council (SRC) which would rule the country, henceforth to be known as the Somali Democratic Republic (Abdisalam M. Issa-Salwe, 1996: 76; Laitin and Said S. Samatar, 1987).

Somalia's brief nine year experience of democracy had seen a significant deterioration in economic performance, with overseas debt mushrooming in particular as a result of the 1964 border conflict with Ethiopia and the severe drought that had hit the country after successive failed rains from 1963, reaching US\$48 million in 1968 (Ahmed I. Samatar, 1988). One of the reasons for the burgeoning debt was that foreign credit was in ready supply; a situation that would continue under Siyaad Barre⁶⁵.

Three days after the coup, Mahamed Siyaad Barre elaborated a political programme that was to emphasise an independent foreign policy, the eradication of 'clannism', and a focus on the elimination of the corruption that had become endemic:

"We will abolish bribery, nepotism and tribalism. Tribalism was the only way in which foreigners got their chance of dividing our people. We will wipe out all kinds of imperialism, and their stooges in our country ... We will close all roads used by colonialists to enter our country and into our affairs. We will build a great Somali nation, strongly united and welded together to live in peace." (public speech, 24th October 1969, Jaalle Mohamed Siad Barre, 1979: 2-3)

Again, the interplay between tradition, modernity and external influence is striking. Siyaad's platform is essentially one of modernisation, but presented as a basis for escape from the predatory influence of external actors who have used custom (clan) to further their own ends. The parallel

gime that assumed power in the subsequent coup, both facts supporting the assertion that the assassination was a catalyst for the coup rather than the first act in it (Lewis, 1972: 402)

⁶⁵. *Indeed, the politicians of the Republic had proven adept at tapping into aid streams of all types, securing more per capita in grants and concessionary loans in the nine years after independence than any other African country (Laitin, 1977b: 7).*

with the role played by Islam in promoting unity against the segmentary and therefore divisive nature of customary kinship is notable. One might therefore predict that Siyaad would have to step carefully if he was to address the influence of Islam itself, and this is indeed something he struggled with - a point addressed further on page 165.

On 8th May of the following year, the President declared the nationalisation of foreign-held businesses, while assuring 'satisfactory' compensation for those affected and guaranteeing continuing support for foreign investment provided it falls within "... the framework of the development plans of our country" (public speech carried on Radio Mogadishu, 8th May 1970, Jaalle Mohamed Siad Barre, 1979: 16). This represented the first step in a pragmatic but largely incoherent policy platform termed *hantiwadaagga 'ilmiga-ku-dhisan*⁶⁶ or 'scientific socialism' (Abdisalam M. Issa-Salwe, 1996: 80-83; Laitin, 1976).

In 1971, an official ceremony was held in Muqdisho in which effigies representing each of the clans were burned and buried, and the following year the apparently intractable debate over the Somali script was decided by presidential decree. A Latin orthography was to be adopted over Osmaniya (see note 54 on page 99) and Arabic options (Abdisalam M. Issa-Salwe, 1996: 79).

While Siyaad Barre's domestic programme embraced a pragmatic blend of socialism, classical economics and authoritarian repression, his foreign policy was marked by continued success in securing aid funds from an array of donors, led by the Soviet Union⁶⁷, and combined with an explicit commitment to *Soomaaliweyn* and an inclusive, expansionist strain of nationalism. The dream of a unified greater Somalia formed a central platform in government policy, as indeed it had under previous civilian governments (Laitin, 1976: 455-456).

In spite of his ongoing public commitment to eradicating 'clannism', by 1972 Siyaad Barre was also quietly strengthening the relationship between his paternal clan, Mareehaan, his maternal lineage, Ogaadeen, and fellow members of the Daarood family, the Dhulbahante. This was later to become known as the MOD coalition, and while it was not the only basis for Siyaad's support (he strategically appointed members of relatively weaker sub-clans from the full range of clans and clan families), that alliance formed the nucleus of his power base for most of his regime (Abdisalam M. Issa-Salwe, 1996: 84; Laitin and Said S. Samatar, 1987: 92-94; Lewis, 1989: 574).

⁶⁶. Literally 'the socialism built with learning'. The term for socialism, *hantiwadaag*, itself means 'the sharing of livestock'. From the beginning, the application of socialist principles was compromised to promote public acceptance, with Siyaad Barre arguing only that the revolution was intended "... to guide us back to our true Somali characteristics ... [and to] a nationalism of oneness", and that 'scientific socialism' was essentially flexible and non-dogmatic (speeches to armed forces, 9th November 1969 and university graduates and senior civil servants, 29th July 1972, Jaalle Mohamed Siad Barre, 1979: 6 & 91-6 & 93). More contentious issues such as collective ownership were modified, and while Marxist intellectuals played a significant role in the development of the political philosophy in the earliest years, they were quickly sidelined, arrested or exiled when their commitment to a revolutionary framework became inconvenient (Abdisalam M. Issa-Salwe, 1996: 80-82).

⁶⁷. There is debate over the level of Soviet complicity in the 1969 coup (Abdisalam M. Issa-Salwe, 1996: 85; Payton, 1980).

As has already been noted, fighting had broken out in 1964 between Ethiopian and Somali forces over the yet undemarcated border that runs through territory occupied by ethnic Somali. While that conflict had fuelled Somali nationalist passions, it was not methodically exploited by the civilian government of the time. However, Siyaad Barre was keen to adopt a more assertive role in securing Somali unification. Initially, he appeared willing to compromise, and in 1971, he called for negotiations rather than conflict in an effort to resolve "... the human and territorial problems created for us by colonialism ...", before hosting Haile Selassie and a full Ethiopian delegation for talks in Muqdisho. However, that initiative came to nothing (Ahmed I. Samatar, 1988: 129). Then, when the Selassie government, destabilised by a devastating famine and the international oil crisis, collapsed in September 1974, the new regime in Addis Ababa, commonly known as the Derg, adopted a socialist rhetoric not dissimilar from Siyaad's own. There was some sign that a meaningful dialogue on the Ogaadeen issue might be possible, and a relatively open debate on the topic was permitted for a period. However, by the time the Derg had declared their support for limited Ogaadeeni autonomy within Ethiopia, Siyaad Barre was already extending Somali support for the Western Somali Liberation Front (WSLF), the primary armed Ogaadeeni opposition (Ahmed I. Samatar, 1988: 130).

It took some time for the new Ethiopian regime to sort out their internal conflicts, and Siyaad saw this as presenting an opportunity for him to consolidate his legacy as a great Somali patriot by liberating the Ogaadeen. He gradually increased his support for the WSLF, supplying weapons, money and technical support, while publicly denying any involvement. By 1977, it was an open secret that regular Somali troops were fighting alongside WSLF forces (Laitin and Said S. Samatar, 1987).

The Somali army was by that stage one of the largest in Africa⁶⁸, equipped by the Soviet Union with modern weaponry and trained by Soviet advisors (Drysdale, 2000: 17), and although with hindsight it is clear that the period of the most intense conflict within the Derg had ended in February 1977 with the violent confirmation of Mengistu Haile Mariam as leader, the Ethiopian position still looked weak. With conflict imminent, Fidel Castro sponsored a peace conference involving the leaders of Somalia, Ethiopia and South Yemen. The Ethiopians apparently offered significant concessions, but presumably sensing a more complete victory, Siyaad Barre was unwilling to compromise. The talks ended in failure (Ahmed I. Samatar, 1988: 130; Lewis, 1982: 19), with Castro reportedly finding General Siyaad "very arrogant and severe", while Mengistu he considered "a quiet, serious and sincere leader" and worthy of continued support (Westad, 2005: 274).

Once again, external context found accommodation with endogenous institutions relating to identity and the concept of *Soomaaliweyn* to create a qualitatively new situation: a well-armed

⁶⁸. *The Ethiopian army was probably still numerically superior, but by 1977, far less well equipped or trained than the Somali (Lewis, 1967: 110; Tareke, 2000: 638). The reality of two enormous armies facing each other in the Horn of Africa is wholly a product of the Cold War and contributed in no small part to the frequency, intensity and intractability of conflicts in the region.*

autocrat saw an opportunity to foster a sense of nationalism through political unification and conquest. Not the first Somali leader with dreams of Ethiopian invasion, or of a politically united greater Somalia, but the first to realistically possess the means to realise that dream.

In July 1977, Siyaad stepped up his military campaign, despatching a large new contingent of Somali National Army troops into the Ogaadeen where they coordinated attacks on a number of targets, still with insignia removed to allow the maintenance of the fiction that they were WSLF fighters. This new thrust met with considerable initial success, securing almost all the Somali territories including the Somali town of Jijiga in September after an intense battle. Only the mixed-ethnicity towns of Dire Dawa and Harar eluded capture. The Somali forces thus came very close to achieving their goal (Tareke, 2000).

However, their Soviet backers were unhappy with this development and anyway had identified a more advantageous opportunity. Mengistu Haile Mariam had earlier announced his Marxist-inspired reform programme, and the Americans, Ethiopia's backers to that point, had cut off aid to his regime in February 1977, at the point he had succeeded in consolidating his role as leader of the Derg government (Ahmed I. Samatar, 1988: 133). The opportunity to fall in with the long-standing regional hegemon was attractive and the Soviets quickly stepped up, first supporting the provision of a group of Cuban military advisors who established a rapid training programme (Tareke, 2000: 642).

Nevertheless, in September 1977, at about the time Jijiga fell to Somali forces, the Ethiopian army was woefully short of equipment and Somali munitions were also running low. Hoping to persuade the Soviet government to contribute additional aid to Somalia and to withdraw support from the Ethiopians, Siyaad Barre travelled to Moscow. He was unsuccessful, and indeed, seemed to recklessly weaken his own position. It was obvious to all by that stage that the Somali army was formally engaged in the Ogaadeen, yet on 13 November, Siyaad Barre attacked the Soviet Union for "... wrongly painting Somalia as an aggressor ... supplying offensive weapons to Ethiopia, introducing Cuban involvement ... and unilaterally terminating 'defensive' arms supplies to Somalia". He then announced the termination of the Soviet-Somali friendship treaty, the consequent withdrawal of permission for Soviet use of military bases in Somalia, the expulsion of all Soviet military personnel and the severance of diplomatic relations with Cuba (Ahmed I. Samatar, 1988: 134).

It seems likely that General Siyaad's precipitate reaction was at least partially induced by overtures from the US, and he was successful in securing a US-sanctioned promise from Saudi Arabia of US\$400 million in military assistance provided he expelled the Soviets. However, American support dissipated rapidly as the extent of Somali involvement in the Ogaadeen became impossible to ignore (Abdisalam M. Issa-Salwe, 1996: 87; Ahmed I. Samatar, 1988: 134-135). This sequence of events marked the major turning point in the war, and was also a pivotal moment in the Siyaad regime. The Soviet Union was able to throw their full weight behind Ethiopia, unencumbered by any Somali commitments, and commenced the largest airlift of military personnel and munitions yet to occur in Africa (Ahmed I. Samatar, 1988: 135). In the six weeks

between the beginning of December 1977 and mid-January 1978, the Soviet Union delivered an estimated US\$1 billion worth of equipment to the Ethiopian regime, bringing about a decisive shift in the balance of power (Tareke, 2000: 656).

The fall of Jijiga to the Somali forces in September 1977 had already marked the conquest of all the ethnically Somali areas in the Ogaadeen, and the Somali-backed forces had become bogged down in their attempts to take Harar and Dire Dawa. On 22nd January 1978 Somali forces commenced a concerted attack on Harar, but for the first time the Ethiopians were able to call on their full range of new equipment, along with Cuban soldiers, and they repelled the attack. This marked the start of the Ethiopian counter-offensive, and by early February the Somalis had suffered a string of defeats (Tareke, 2000: 657-658).

Stung by this rapid reversal, Siyaad Barre finally admitted what everyone had known for months, declaring the Somali government's involvement in the Ogaadeen. However, within a few more weeks, he was forced to acknowledge defeat and to order the withdrawal of Somali forces (Ahmed I. Samatar, 1988: 135; Tareke, 2000: 658-660).

Decline of a Dictatorship 1978-1990: Once again, the dream of political unification had failed to materialise. In little over six months, Siyaad's fortunes had surged and then collapsed. Domestic dissatisfaction with his regime was rapidly revived, and defeat in Ogaadeen, coupled with the Djibouti referenda in 1958 and 1967, effectively confirmed the demise of the *Soomaaliweyn* dream at least for the foreseeable future. Lewis notes that it is remarkable that he was able to hold onto the presidency at this stage, so vociferous was his suddenly empowered opposition (1982: 20).

In the north, while generally supporting Somali involvement in the Ogaadeen war, the Isaaq had already come into conflict with Ogaadeen rivals armed by Siyaad Barre as part of the WSLF, which added to their agitation and meant that Isaaq elders, along with Majerteen, were some of the most vocal critics of the way the war had been conducted (Bradbury, 2008; Laitin and Said S. Samatar, 1987: 92). In an effort to repress rising levels of opposition to his regime, Siyaad Barre began to employ increasingly brutal methods of suppression. In the months following the defeat, human rights were heavily circumscribed throughout the country, and when a March post-mortem session held in Hargeysa involved frank criticism, the most vocal critics were promptly arrested and executed (Ahmed I. Samatar, 1988: 113 & 138). Only a few weeks later, on 9th April, a group of Majerteen officers attempted a coup. Although it failed, one of those involved, 'Abdillaahi Yuusuf Ahmed⁶⁹, escaped capture and went on to form the Somali Salvation Democratic Front (SSDF) (Laitin and Said S. Samatar, 1987: 92).

Increasingly Siyaad Barre resorted to clan-based politics. Although initially it was hard to prove (and any hint to that effect was liable to attract a heavy punishment), evidence came in the growing prominence of the Mareehaan Ogaadeen Dhulbahante (MOD) alliance in his central

⁶⁹. 'Abdillaahi Yuusuf was later to become President of Puntland and then the Transitional Federal Government of Somalia established in Mbagathi, Kenya in 2004.

cabal (Laitin, 1976: 458). With his modernising agenda having failed to win sufficient support (or to achieve sufficient success) to sustain his regime, he was forced to revert to precisely the divisive forms of 'clannism' which he had come to power determined to abolish. In effect, this marked yet another turn in much the same cycle as had been played out repeatedly through Somali history. Where Islam had previously served as the rallying call for unity against clan, Siy-aad attempted to replace Islam with socialism, but still in tandem with a unifying and modernising call to transcend clan and create a political union of Somalis. And, just as in the past, this had been shown to be weaker than clan itself.

As is often the case in Somali society, the level and nature of disaffection can be traced through what has become a famous sequence of poetry, in this case called *Deelley*. Initiated in December 1979 by Mahamed Haashi Dhama' 'Gaarriye' and Mahamed Ibraahim Warsame 'Had-raawi', the cycle involved over fifty poets in an exchange that expressed all of the political frustrations of the period, largely ridiculing the regime but also including some defence of the government. Gaarriye's opening poem in the *deelley* deliberately recalled a popular anti-clan poem of Tima'adde in its title *Dugsi ma leh Qabyaaladi* or 'Clannism is Worthless' (see page 77), reflecting a perception that a return to 'clannism' was now driving much of the political agenda (Boobe Yusuf Duale, 2002: 21; Bradbury, 2008: 55).

The Somali National Movement and Insurrection in the North: Tensions had reached such a degree by April 1981 that two groups, one representing Isaaq communities in the UK, the other in Saudi Arabia, met in London and declared the formation of the Somali National Movement (SNM)⁷⁰ (Ahmed I. Samatar, 1988: 141; Drysdale, 1994: 136; Laitin and Said S. Samatar, 1987: 93). The SNM incorporated a wide range of individuals, representing many ideological and religious positions, including social democrats and pious people of religion. Unlike other Somali opposition movements of the time, the SNM made a commitment to operate with a degree of transparency, and published their guiding principles and aims within a year of their formation, as well as commencing production of a monthly journal titled 'Somalia Uncensored'. The published aims of the organisation made it clear that the group sought a fundamental transformation in Somali society towards a more traditionally-based system:

"We propose a new political system built on Somali cultural values of cooperation rather than coercion; a system which elevates the Somali concept of *heer* or inter-family social contract in which no man exercises political power over another except according to established law and custom" (all cited SNM principles and aims are reproduced from Ahmed I. Samatar, 1988: 142).

They further stated a set of principles that included a commitment to a form of government that minimised hierarchy and bureaucracy, integrated Somali conceptions of egalitarianism, and maintained an effective system of internal democracy and collective leadership that enhanced

⁷⁰. The name 'Somali National Movement' was in use in Saudi Arabia prior to 1981, where the idea of a northern, predominantly Isaaq resistance movement was first conceived. However, the April launch in London marked the official birth of the organisation (Lewis, 1994: 183).

accountability and transparency. Notably, the SNM did not call for the dissolution of the 1960 union between Italian and British Somalilands, although the list of guidelines referred frequently to 'regional and national governments' as separate entities, reflecting an interest in a degree of local autonomy.

This commitment can be seen very much as a return to the old social politics of clan and consensus, but it is significant precisely for its deliberate attempt to record a considered approach to what was essentially a fairly conservative agenda. Perhaps as much by accident as design - or at least, as a result of the well-placed instincts of the founders - that considered statement amounted to a more coherent expression of an accommodation between custom and the modern if as yet ill-defined state as had been achieved by anyone since at least the *Daraawiish* movement. In fact, the SNM commitment to accommodating religion within a constitution founded on discursive and clan-based custom (as opposed to Islam providing the universal system of governance into which clan and discourse would have to fit), was arguably a better accommodation of historic Somali institutions with formalised systems of representative governance than had been achieved by anyone to that point. Certainly this thesis argues that, whether by deliberate act or happy coincidence, it was precisely this arrangement that laid the foundation for the future establishment of the Somaliland state.

Three smaller opposition parties - the Somali Salvation Front, the Somali Workers' Party and the Somali Democratic Liberation Front - also merged in 1981 to form the Majerteen-dominated Somali Salvation Democratic Front. The SSDF was composed of an even more ideologically diverse group than the SNM, and were never able to formulate a coherent statement of political or social objectives, although they and the SNM did agree in principle to coordinate their activities. The Ethiopian government welcomed both for the opportunity they presented to counter the Somali government's continued support for the WSLF (Ahmed I. Samatar, 1988: 143; Lewis, 2002: 252).

The situation in Hargeysa became even more inflamed when many members of a group of some thirty-seven returned diaspora who had established a self-help project to upgrade the facilities at Hargeysa Hospital were arrested for 'subversive activities' (Drysdale, 1994: 136; Jama Musse Jama, 2003: 68-69). Self-help groups had long been promoted by Siyaad Barre's regime as an appropriate form of community assistance⁷¹, but in fact, such initiatives were viewed with considerable distrust by the government, and in this case, the activities of group members magnified that distrust. Known simply as the 'Hargeysa Group', or *Uffo*⁷², after a newsletter highlighting government corruption and human rights abuses which two members were purported to

⁷¹. Official policy made much of the desirability of self-help programmes, building on Siyaad's own statement within twelve months of the revolution that "[i]f you build a school or a hospital here or construct a canal there by self-help method[s], I consider that to be a constructive contribution to the development and progress of our country" (State of the Nation speech, 1st July 1970 Jaalle Mohamed Siad Barre, 1979: 28-29).

⁷². The Somali word 'uffo' or 'ufo' refers to a windstorm which precedes rain (Somali Partner Academicians, 2000; Xuseen Cabdillahi Bulhan et al., 1999: 18). A football team in Hargeysa is now named Uffo in tribute to the group (Jama Musse Jama, 2003: 74).

have published in mid-1981⁷³. *Uffo* members were also believed to be behind a series of anti-government leaflets signed *Ragga u Dhashay Magaalada* ('Men Born of the City'), and on 26 June 1981, the twenty-first anniversary of independence from British rule, several members were accused of taking part in a ceremony in which a flag with a single-pointed star was raised. As already noted, the Somali five-pointed star was intended to advertise the Somali desire for the unification of the five parts of Greater Somalia, so a version with four stars removed amounted to a provocative reminder of the failure of that policy⁷⁴. The group was hugely popular in the north, achieving 'spectacular' results at the hospital, and the government was initially unsure of what to do (Jama Mohamed Ghalib, 1995: 166). However, over the course of thirteen weeks from 2 November 1981, twenty-nine group members were arrested at different times and confessions were extracted under torture (Africa Watch, 1990: 264 & 38-264 & 39; Bradbury, 2008: 56; Jama Musse Jama, 2003: 26 & 30-26 & 39).

With arraignment on 19 February for a trial scheduled to commence the following day, rumours spread that the ring-leaders were to receive the death sentence and students gathered in Hargeysa to protest. A riot ensued that dragged on for three days, in which time soldiers opened fire, killing five and wounding many others (Africa Watch, 1990: 39; Jama Musse Jama, 2003: 82). Over two hundred protestors were arrested, and the trial was delayed until 28 February. In the event, the whole hearing took two days and the accused were not permitted to defend themselves or to call witnesses of their own. They were allowed only a few minutes with their counsel and confessions extracted under torture were permitted by the presiding chair, Lieutenant-Colonel Sharif Shaikuna Maye (Jama Musse Jama, 2003: 51 & 83-51 & 114). When the verdicts were announced, fourteen had been sentenced to between twenty years and life, while six received terms of three and eight years, and the remaining nine were released for 'lack of evidence' (Africa Watch, 1990: 264; Bradbury, 2008: 57; Jama Musse Jama, 2003: 53)⁷⁵. All spent some eight months in Hargeisa prison before the fourteen who had received the harshest sentences were transferred to the infamous Labaatan Jirow prison in central Somalia where they were placed in solitary confinement for the whole of their stay there (Jama Musse Jama, 2003: 53). The anniversary of the day of the student protest is still commemorated as *Dhagax-Tuur* (throwing stones), and celebrations each year after the trial probably contributed, along with the efforts of international NGOs such as Amnesty International, to the eventual release of the *Uffo* group some eight years later (Bradbury, 2008: 57; Drysdale, 1994: 136).

In the aftermath of the demonstrations, Siyaad Barre imposed new emergency regulations, including the introduction of a system called *tabeleh*, in which every twenty northern households

⁷³. There is argument as to whether they were in fact behind this newsletter, and indeed, whether it even existed (Jama Musse Jama, 2003: 33).

⁷⁴. As with their association with the *Uffo* newsletter, there is debate as to whether the accusations of involvement with the *Ragga u Dhashay Magaalada* group and with the flag incident are real or whether they were fabricated to demonstrate treasonous intent (Africa Watch, 1990: 37; Jama Musse Jama, 2003: 32).

⁷⁵. The most detailed accounts of the trial and sentencing both list the outcome for only 28 people, of whom fourteen received sentences of twenty years to life; six received three to eight years; and eight were released (Ibrahim Hashi Jama in Jama Musse Jama, 2003: 118-120; Mohamed Barud Ali, 2010: 50-51).

were allocated a local 'leader' with close contacts to the government and the National Security Service, who was charged with monitoring activity and reporting infractions, visits, travel and so on to the NSS (Africa Watch, 1990: 69-71; Lewis, 1994: 206). The government had also begun to recruit Ogaadeeni members of the WSLF to harass Isaaq pastoralists, and was arming Dhulbahante and Gadabuursi militias and encouraging them also to undertake reprisals against the Isaaq (Bradbury, 2008: 55; Eric Hoogland in Metz, 1993: 166).

In March 1982, a group of Isaaq elders, emboldened by the February protests and incensed at the growing level of repression, presented a detailed memorandum to Siyaad Barre explaining their grievances. They noted the trouble caused to pastoralist households by the WSLF, their (corroborated) perception that non-Isaaq refugees were being preferred for housing, education and employment in Isaaq areas, the suppression of Isaaq trade, and the lack of development initiatives in the north (Africa Watch, 1990: 32-37). Siyaad Barre's response was to have his Foreign Minister and Third Vice President, both Isaaq, arrested on fabricated charges of treason, along with five senior southern politicians who he also saw as a threat to his regime (Africa Watch, 1990: 40; Bradbury, 2008: 58; Jama Mohamed Ghalib, 1995: 168).

Unrest spread to the main northern towns, arbitrary arrests became increasingly common, and security in the north continued to deteriorate. With anti-government agitation gaining ground, the SNM relocated themselves to the Somali territories in Ethiopia at the invitation of the Ethiopian government, who by that time were also hosting the SSDF (Drysdale, 1994: 136; Prunier, 1995: 6; Renders, 2006: 171-172). Once in Ethiopia, the government of the People's Democratic Republic of Yemen also armed five hundred SNM militia (Drysdale, 1994: 137), and in January 1983, they launched an audacious raid on Mandheera Central Prison, just off the road between Hargeysa and Berbera, and were successful in freeing a large number of prisoners⁷⁶, including many imprisoned for their opposition to the government (Drysdale, 1994: 137; Xuseen Cabdillahi Bulhan et al., 1999: 18). Siyaad Barre retaliated by mounting a sustained bombing campaign against all the pastoralist hamlets lying within a 50 km radius of Mandheera. He had become convinced by that time that northerners were seeking secession, telling his colleagues 'that the Isaaq had to be ruled with an iron hand', and that if they didn't like it they could leave Somalia, provided they were permitted to take nothing with them (Jama Mohamed Ghalib, 1995: 167). As explicit a confirmation of autocratic suppression of 'voice' within a regime in favour of a limited 'exit' option as one is likely to find.

As government concern with the uprising in the north turned to fear and then paranoia, human rights abuses became more extreme. Rape, previously almost unheard of in Somali society, was employed with some frequency as a means of subjugating women and their communities and summary executions became relatively common. Arrests of those suspected of displaying even a hint of sympathy for anti-government sentiment became frequent and general levels of

⁷⁶. Some assert that over 1,000 were released (Drysdale, 1994: 137; Xuseen Cabdillahi Bulhan et al., 1999: 18); others suggest 'several' (Eric Hoogland in Metz, 1993: 166); while many either decline to estimate the number or fall between the two extremes (Bradbury, 2008: 61; Lewis, 1994: 209).

corruption increased markedly (Africa Watch, 1990; Gardner and El-Bushra, 2004: 85-89; Jama Mohamed Ghalib, 1995: 167-168; Searle, 1992). Livestock was arbitrarily confiscated, trade flows through Berbera were disrupted, villages burnt, and pastoralists prevented from accessing key water points (Bradbury, 2008: 58-59; Xuseen Cabdillahi Bulhan et al., 1999: 18).

While effective at creating an environment of fear, these policies predictably served to further alienate the Isaaq population, and Siyaad Barre found himself embroiled in a civil war that he could ill-afford. Although many Isaaq had acted as the President had hoped and left Somalia, particularly to work in the Gulf, London and North America, even that strategy worked against him, as they established what was to become an effective and efficient base for the remittances which sustained the SNM through the years of war (Reno, 2003: 24).

Siyaad's early commitment to building a 'modern' nation in which clan affiliation had given way to pan-Somali nationalism was probably genuine. However, by this stage his complete reversal of this in favour of an astonishingly brutal and clan-oriented regime was unquestionable. His social and political revolution had failed so spectacularly that he was now promoting such a perverted version of Somali kinship that it is hard to imagine how he could continue to believe that his regime was sustainable. Certainly, his state was signally failing to deliver *liberty* and *justice* for most in the north, and even *stability* was fragile in the extreme.

Meanwhile, Siyaad's long-time Ethiopian antagonist, Mengistu Haile Mariam, was keen to reduce his exposure to costly military activity in the Somali areas. He had militarily defeated the WSLF, but with Somali support they continued to act as an irritant in the Ogaadeen. A 1984 drought in the area brought new unrest, with a breakaway group of the WSLF, the Ogaadeen National Liberation Front (ONLF)⁷⁷, emerging at the same time. Mengistu also faced escalating rebellion in Eritrea and unrest elsewhere. Keen to reduce his exposure in the Somali areas, by January 1986 he had begun tentative talks in Djibouti with Siyaad. Then on 23rd May, Siyaad was involved in a serious car accident in which he sustained critical injuries. This focused attention on his likely successor, and added further to his sense of paranoia (Abdisalam M. Issa-Salwe, 1996: 101; Gilkes, 1989; Lewis, 2002: 254-255).

When Mengistu's forces suffered a major defeat in the Eritrean town of Afabet in March 1988, he hastily sought to conclude a peace deal with Siyaad (Gilkes, 1989). An agreement was signed at the beginning of April, allowing for the exchange of prisoners and committing each party to end support for insurgent groups operating from within their respective territories (Waal, 1991: 347-352).

Faced with expulsion from their bases in Ethiopia, the SNM were confronted with a crisis: effective dissolution or a hugely risky assault on targets within Somalia in an effort to carve out bases there. After much debate, they decided on assault, and at the end of May 1988, SNM forces attacked Bur'o, Berbera and Hargeysa. Surprised by the attacks, the government forces were

⁷⁷. The replacement of the words 'Western Somali' with 'Ogaadeen National' denoted a shift in emphasis from support for unity with greater Somalia to agitation for Ogaadeen autonomy - another significant step in the disintegration of the Soomaaliweyn dream (Waal, 1991: 347).

over-run and the SNM took control of the whole of Bur'o and large sections of Hargeysa for a short period. The government promptly despatched reinforcements from the south, ordering that the towns be retaken 'by any means necessary' (Abdisalam M. Issa-Salwe, 1996: 99). The assault took the form of a vicious and indiscriminate ground attack backed with heavy artillery, and coupled with an air bombardment in which mercenaries from South Africa and Zimbabwe joined Somali pilots in bombing runs from Hargeysa airport, almost completely destroying Hargeysa, and devastating Bur'o. Estimates of the loss of life range from 5,000 to 60,000⁷⁸ with up to half a million driven into the Ogaadeen and others fleeing to wherever they could (Abdisalam M. Issa-Salwe, 1996: 99; Africa Watch, 1990: 3; Bradbury, 2008: 62; Drysdale, 1994: 137; Xuseen Cabdillahi Bulhan et al., 1999: 18). The campaign was directed by Siyaad Barre's notorious northern commander and son-in-law, General Mahamed Sayiid Hirsi Moorgan, who gained the epithet 'Butcher of Hargeysa' for his role in the government counter-assault (Waal, 1998: 133).

For the SNM, the campaign had been enormously costly, claiming close to half of their fighters. Civilian casualties were also exacerbated by the government's refusal to allow staff of international NGOs access to the area for some four months. The SNM themselves were accused of human rights abuses for their summary executions of government officers and sympathisers, although not to the 'substantial' degree of those committed by the Muqdisho regime (Bradbury, 2008: 62; Gilkes, 1989: 55-56).

Unsurprisingly, the astonishingly brutal government response further consolidated Isaaq support for the SNM. It also contributed to some disillusion with Siyaad's methods amongst other clans, prompting a number of defections from the army, particularly amongst Hawiye clans, who by the end of 1989, had formed their own opposition group, the United Somali Congress (USC), headed by Mahamed Faarah 'Aydiid (Prunier, 1995: 6). Some amongst the Dhulbahante also saw the conflict as now being against the Isaaq as a clan rather than the SNM as a resistance movement (Gilkes, 1989). The view that the regime was deliberately and methodically targeting Isaaq had been ominously confirmed in a confidential letter from February 1987, leaked to Richard Greenfield of New African magazine, in which General Moorgan detailed a programme designed to "liquidate ... the Isaaq problem" (Africa Watch, 1990: 44; Jama Mohamed Ghalib, 1995: 187)⁷⁹.

Where Siyaad had once been able to employ the idea of *Soomaaliweyn* as a rallying call for unity against outsiders, he had now firmly established himself as an outsider to most of those in the north of Somalia. However, the division was no longer between Somalis and a foreign 'other', but unequivocally between collective, clan-based units. For people so firmly rooted in a pat-

⁷⁸. Said Samatar estimates that 4,000 were killed in fighting, while a further 1,000 civilians were bayoneted to death between 27th May and the end of December 1988 (Metz, 1993: 51). However, most accounts suggest much higher fatality levels (Abdisalam M. Issa-Salwe, 1996: 99; Africa Watch, 1990: 3; Brons, 2001: 203; Drysdale, 1994: 138).

⁷⁹. An English translation of the letter is reproduced, though dated 23 January 1987, in Mohamed Barud Ali, 2010: 89-98, and represents General Moorgan's words as urging "... a campaign of obliteration ..." against Qurmis - meaning 'the rotten', and referring to the SNM - and their followers (Mohamed Barud Ali, 2010: 92).

riarchal, egalitarian and consensus-based customary regime governed by principles relating to conflict and peace, this attempt to claim to a centralised state a monopoly on violence and a co-option of clan into the state structure was wholly unacceptable to those excluded. The combination of clan division and state force added an element that had not existed previously, and in the Somali context, anything short of solid resistance must have been unthinkable. No longer was there any pretence at adherence to institutions such as *heerka biri-ma-geydada* (see page 65). In this context, a return to tradition was made to appear a radical option and a sound base for an anti-government insurgency.

Not that all the Somali resistance groups adopted positions of this nature: it is perhaps surprising that only one did to the degree we will be examining in the next chapter, but that is a paradox that must be explored outside this thesis, as our focus will now shift to Somaliland, starting with the activities of the Somali National Movement (SNM) and northern clans.

Chapter 5. Case Study: Conflict and Peace-Building in Somaliland 1990-97

5.1 Peace-Building and the New Beginnings of State Formation

The contemporary Somaliland reconciliation and state-building process began prior to the collapse of the Muqdisho-based government at the start of 1991, and continues until the present time. The focus of this thesis, however, concludes in February 1997, when a constitution was adopted for the as yet internationally unrecognised Republic of Somaliland (see Appendix 3 *Timeline* on page 197). In our view, that act marks the conclusion of one distinct sequence in the process of state formation that lies at the heart of the thesis.

The 1990 to February 1997 period can, in turn, be divided into three phases, each of which culminated in a major conference at which significant agreements were reached.

The first phase covers the twelve to fifteen months preceding the declaration of independence that took place on 18th May 1991 at a conference in the town of Bur'o. This was a period in which the main focus was the consolidation of a ceasefire and agreement on an interim system of administration for the territory.

The second period covers the two years after the Bur'o conference, when a series of conflicts of varying degrees of seriousness erupted and were resolved. This phase culminated in a national conference in Boorame, where the transition was achieved from the interim military government installed in Bur'o to a new civilian administration.

The Boorame conference is today considered one of the most successful of Somaliland's reconciliation meetings. In fact, it did not end the process of dispute and conflict followed by reconciliation and further steps towards state-building. After the conference, the Garhajis were unhappy with having lost the presidency and other key positions, and conflict again erupted, this time between them and the Somaliland government. That crisis too was eventually resolved through a sequence of meetings, culminating in a national conference and the adoption of a synthesised interim national constitution. This represents the third of the three phases in the 1990-97 period.

The agreements made in the course of the 38 meetings and conferences around Somaliland during this period⁸⁰ have largely persisted since 1997, and while enormous challenges remain, this situation contrasts markedly with that in other Somali territories. The period assumes considerable significance in the analysis that follows because it contributed so materially to the stabilisation of the social and political spheres that has persisted to the present time.

⁸⁰. *The number of conferences and meetings depends on how they are counted: there were innumerable small meetings involving a single sub-clan or a few people, plus many larger meetings. The 38 mentioned here are those identified by the author in the course of research as representing the main meetings and involving more than one clan or sub-clan group, and counting continuous sequences such as the Kulaanka meetings as a single instance. Those 38 include the ones that occurred in Sanaag, and are listed on the timeline in Appendix 3, page 197.*

While the preceding chapter relied on secondary sources to build a picture of the cultural, historical and political context in which processes of Somali state formation had succeeded or failed in the past, this chapter relies predominantly on the primary research carried out by the author, working with two Somali colleagues, as described in section 3.2.3 *Research Methods* (from page 51).

5.1.1 Early 1990 - May 1991: Ceasefire and Independence

The civil war in Somalia effectively began in 1982 when the SNM relocated to Ethiopia (see page 126). Although dominated by the Isaaq, the SNM policy of fostering ties with other clan-based insurgent groups had resulted in agreements on cooperation. One of the most significant of these arrangements, in this case including explicit plans for the period after the fall of the regime, was with the USC of Mahamed Faarah 'Aydiid (Ahmed Mohamed 'Siilaanyo', 2007b). In response, Siyaad Barre attempted to utilise clan affiliation in his favour by co-opting the support of the non-Isaaq clans in the north in his fight against the SNM. This worked to some degree, and many, though not all, of the Harti (Dhulbahante and Warsangeli) and Gadabuursi identified with the government⁸¹.

By early 1990, it was clear that the Siyaad regime had lost control of large parts of the northern regions, and it was at this point that the Dhulbahante, at the instigation of their premier *garaad*, Abdiqani Garaad Jaama', renewed contact with Habar Je'lo members of the SNM, and, in a series of meetings in the towns of Qararro, Gowlalaale, Dannood and Gaashaamo in Togdheer and in the Haud and Ogadeen areas of Ethiopia, they agreed a ceasefire. Garaad Abdiqani had long been sympathetic to the SNM's cause and had earlier approached them asking that he be permitted to join as a Dhulbahante member. His request was declined and generated some discussion on whether members should be permitted as representatives of non-Isaaq clans, or only as individuals (Boobe Yusuf Duale, 2007a; Bradbury, 2008: 79). However, this initial approach did open avenues of communication for his later initiative.

It's not altogether why Abdiqani did identify so strongly with the SNM as the Dhulbahante had been close to the President, being an integral part of his MOD (Mareehaan-Ogaadeen-Dhulbahante) power base (Lewis, 2002: 256). As early as 1987, it was becoming apparent that the Mareehaan component in this alliance was beginning to dominate (Lewis, 2002: 256). At about that stage, the Garaad had already expressed sympathy with the SNM objectives, so it would be consistent to suggest that one of his motivations was the norm permitting latitude for individuals to take initiative on a speculative basis. Indeed, the proverb quoted earlier (see note on page 73) is interpreted as implying not only that everyone is bound to their lineage, but also that "... if he has a different opinion to the lineage, no one will blame him, but he must accept the final decision of the lineage" (Rashiid Sheekh 'Abdillaahi Gadhweyne, 2009: 127). This is representative of the social institution that permits space for individuals to strike out on their own, with

⁸¹. The 'Iise-dominated United Somali Front did not officially fight in the civil war (Prunier, 1995), and once the SNM had taken the coastal town of Seyla' in 1989, the 'Iise did not oppose the SNM in principle either (Renders, 2006).

their attempts to seek peace or to negotiate terms on resources, trade or other mutual benefit accepted if successful (see page 64). The final determination still lies with the clan, but the space permitted to individuals allows a degree of flexibility in the collective system. It seems quite reasonable to accept that Garaad Abdiqani was motivated by a combination of factors, quite possibly including both an abhorrence of the more brutal acts of the Regime and a practical assessment of future clan advantage.

At any rate, talks between the Dhulbahante and SNM continued in Oog after the fall of the regime at the start of 1991, and both parties agreed to take part in a ceasefire conference in the latter half of February 1991, in the port town of Berbera, to which all the main northern clans would be invited (Abdirahman Aw Ali Farah, 2007b; Garaad Saleebaan 'Afqarshe' et al., 2007a; Mahamed Kaahin, 2007).

In the west, the Gadabuursi had also made some effort prior to the end of the war to reconcile with the SNM, with at least one Gadabuursi elder, Jama Rabile, travelling to Ethiopia to seek discussions. Although this initiative did not result in a ceasefire at the time, it had given the SNM leadership some hope that the Gadabuursi were ready to agree terms (Abdirahman Aw Ali Farah, 2007b). In January 1991, in one of the final acts of the northern war, SNM militia had pursued retreating government forces to the town of Dilla, where they fought a ferocious battle (Abdirahman Aw Ali Farah, 2007b; Renders, 2006). SNM militia had then continued into the main Gadabuursi town of Boorame. However, because the SNM leadership believed that the Gadabuursi wished to seek peace, they withdrew their units after a mere 24 hours to allow discussions to take place without the shadow of occupation. Their confidence was rewarded when a brief initial meeting in mid-February in Tulli, just outside Boorame, agreed that Gadabuursi delegates would attend the Berbera meeting and then resume bilateral talks immediately after that meeting had finished, this time in Boorame itself (Abdillaahi Habane Dheere, 2007).

From an SNM perspective, these meetings were an expression of the resistance movement's explicit policy that they were fighting the government of Siyaad Barre, rather than the other clans (Abdirahman Aw Ali Farah, 2007a; Ahmed Mohamed 'Siilaanyo', 2007b; Mahamed Kaahin, 2007; Saleebaan Afqarshe in Garaad Saleebaan 'Afqarshe' et al., 2007a). Unsurprisingly, those who had affiliated themselves to the regime in Muqdisho were uncertain as to whether this policy of rapprochement would be carried through. The fact that it was is a major factor in the early success of the SNM in quickly agreeing a cessation of hostilities with those who had opposed them.

With explicit bilateral ceasefire agreements in place with the Gadabuursi and Dhulbahante and implicit acceptance of the situation by the 'Iise and Warsangeli, the next step was to consolidate these agreements and to move on to a collective discussion on the creation of an administrative capacity. The SNM was clearly in control of the northern regions, so it fell to them to host and fund national conferences of reconciliation. The first of these was held in Berbera, which was selected both because it is an Isaaq city (and therefore an appropriate setting for an SNM-hosted conference), and because it escaped the devastation wreaked on Bur'o and Hargeysa.

Funding for both conferences was provided by the SNM, through their established diaspora-heavy support networks.

The Berbera conference achieved two things: firstly, it generated a collective confirmation of the bilateral ceasefires that had been agreed between the SNM and the Gadabuursi and Dhulbahante respectively, as well as formally extending those agreements to the Warsangeli and 'Iise. Secondly, it was the context for agreement that a second conference would be held in Bur'o, again involving all the clans of the erstwhile British Protectorate. The Bur'o conference was always intended as a much grander affair than the earlier meetings, and its title reflects this status: *Shiirweynaha Walaalaynta Beelaha Waqooyiga* (the Grand Brotherhood Conference of the Northern Clans). The town was chosen for its symbolic presence at the centre of (Isaaq) Somaliland, in spite of the fact that it had been extensively destroyed during the 1988 bombardment (Boobe Yusuf Duale, 2007a). It was scheduled to commence on 27th April, with the first part of the conference taken up by a meeting of elders representing all of the northern clans. This was followed by a meeting of the SNM Central Committee, who were to debate and adjust, reject or endorse the recommendations of the meeting of elders.

The elders met for a week, and agreed a list of six resolutions, the most dramatic of which was the first: a declaration that the northern regions would establish a separate administration without links to Muqdisho. This declaration needs to be placed in context. It had never been SNM policy to establish an independent state in the north, and many of the leadership were against the idea, believing the northern regions too war-ravaged and weak to survive on their own (Ahmed Mohamed 'Siilaanyo', 2007b; Boobe Yusuf Duale, 2007c; Yusuf Mohamed 'Tuke' Ali, 2007). However, there had long been a growing enthusiasm for the notion amongst the grassroots.

As has already been related, independence and union with Italian Somaliland in 1960 had been greeted with enthusiasm, but disillusion had set in early. In an echo of this post-independence euphoria and disappointment, the 1969 coup by Siyaad Barre had also initially been welcomed in the north, with that optimism fading as the Muqdisho regime centralised its operation, and began to implement unpopular policy with little northern consultation. Siyaad Barre's attempt to wrest the Ogaadeen and Haud from Ethiopia through invasion was also initially popular, but when that failed, many blamed him for the failure, and once again support ebbed fast (Bradbury, 2008: 54).

So when, in contravention of agreements between the USC and the SNM, 'Ali Mahdi announced the creation of a USC-led government for "... the whole of Somalia, from Seyla' ... to Ras Kamboni ..." on 31st January 1991 (Ahmed Mohamed 'Siilaanyo', 2007b), the ghosts of these unsatisfactory experiences loomed large (Drysedale, 1994: 140). By the time the Bur'o conference started at the end of April, public sentiment in the north had consolidated overwhelmingly in favour of independence. As the elders met in the first session of the conference, people from around the country, including many SNM militia, gathered. There was a sense of expectation, and not a little latent threat should the decision not support independence (Ahmed Mohamed

'Siilaanyo', 2007b; Boobe Yusuf Duale, 2007c). This groundswell of popular feeling was not confined to the Isaaq. At the time of the Bur'o conference, the Gadabuursi had already agreed amongst themselves to actively promote the establishment of a separate state in the north (Abdirahman Aw Ali Farah, 2007a), and although the Dhulbahante were split on the subject, there was considerable support from them as well, including commitment from their most senior *garaads* (Saleebaan 'Afqarshe', 2007a).

In the event, the intensity and breadth of public opinion swayed the Central Committee. In fact, concerned that the elders' resolution was not worded strongly enough, the Committee rewrote it to remove any hint of equivocation from the final declaration of independence. No longer simply the creation of a separate administration, the new resolution declared that the northern regions would revert to the sovereign status they held at independence from Britain on 26 June 1960 (Boobe Yusuf Duale, 2007c).

The Central Committee meeting continued for some weeks longer, agreeing that the leadership of the SNM would assume leadership of Somaliland for an interim period of two years, and addressing other issues associated with the establishment of a new administration. The Chair of the SNM, 'Abdirahmaan Ahmed 'Ali 'Tuur', consequently assumed the title of President of Somaliland.

This sequence of small bilateral meetings, leading to larger conferences dealing with more complex issues established a pattern which was repeated throughout the Somaliland process of peace-building. A similar pattern was evident in meetings in Sanaag between December 1990 and the end of 1993 (see Walls et al., 2008: 61-89); in the sequence that culminated in the Boorame conference that took place in the first months of 1993; and also in the lead-up to the national conference held in Hargeysa from October 1996 until February 1997.

5.1.2 May 1991 – May 1993: Military Administration, Discord and Election

Once the restoration of sovereignty had been declared in Bur'o, the newly independent but internationally unrecognised country experienced a period of optimism, economic growth and stability. However, it was not long before rifts began to appear between groups that had fought together for so long in the SNM. One of the immediate causes was the fact that large numbers of young militia-members remained armed, yet had little to occupy their time. Squabbles began to break-out, with notable occurrences in Bur'o between militia identifying as members of the Isaaq clans Habar Yoonis and Habar Je'lo (Abdillaahi Habane Dheere, 2007; Gadhweyne, Shaa'ir and Abdillaahi in Garaad Saleebaan 'Afqarshe' et al., 2007b; Prof. Suleiman Ahmed Gulaid, 2007). This Bur'o situation represented an eruption in the longstanding rivalry between the two main Isaaq clans in the town⁸². The situation worsened in February 1992 with a week's intensive fighting in Bur'o when the Government moved to disarm the militia and bring heavy weapons

⁸². *It is worthy of recall that, in the late nineteenth century, the Sayyid Mohamed 'Abdille had acted as a mediator between the same groups: see page 92.*

under their own control. Some 300 are estimated to have died in that week (Bradbury, 2008: 89).

Resolution of the Bur'o conflict came about as a result of the initiative of three separate groups: the Dhulbahante *garaad*, Abdiqani, despatched a delegation from Laas'aanood led by Mohamed 'Ali Shire⁸³; members of the 'national *guurti*'⁸⁴ travelled from Hargeysa; and a Gadabuursi group led by Sheekh Muuse Goodaad travelled from Boorame (Abdillaahi Habane Dheere, 2007; Saleebaan 'Afqarshe', 2007a; Shaa'ir and Garaadka in Garaad Saleebaan 'Afqarshe' et al., 2007b). All three groups consisted of respected elders and, working together, they were able to assume a mediation role with great success.

However, this was not sufficient to prevent the development of a more protracted crisis in Berbera a few weeks later⁸⁵. The Government had attempted to secure control of revenues from the port, but what began as a political conflict driven by presidential concern for state income, quickly assumed a clan characteristic. The port at that stage was controlled by one of the Isaaq clans who had long lived in the area, the 'Iise Muuse (part of the Habar Awal). In his efforts to seize control of the port, the President first ordered militia drawn largely from the Sa'ad Muuse (also Habar Awal), who refused to fight fellow Habar Awal. He then turned to militia from his own clan, Habar Yoonis. This was seen by many as an attack by that clan on the 'Iise Muuse (Gilkes, 1992: 13; Rashid Gadhwayne in Garaad Saleebaan 'Afqarshe' et al., 2007b), and seems in hindsight to have marked a political miscalculation on the part of the President. Fighting in Berbera continued, with periodic stand-offs, for some six months, before the anti-government militia (who, with their wider support base, had by then been dubbed 'Alan 'As or 'Red Flag'⁸⁶ and represented a multi-clan alliance, led by 'Abdillaahi 'Degaweyne', a notable SNM commander) finally succeeded in driving government forces out of the area (Gilkes, 1992: 13-14). This created a considerable crisis for the President as it deprived him of what income his government had been receiving under the previous arrangement, and removed the prospect

⁸³. Mohamed 'Ali Shire was highly respected amongst the Dhulbahante, and had been a member of the Supreme Revolutionary Council (SRC), the heart of the Siyaad Barre government (Saleebaan 'Afqarshe', 2007a).

⁸⁴. This was the council of elders or *guurti* established by the SNM, augmented by representatives from the non-SNM.

⁸⁵. The Berbera conflict later became known as the 'Sheep War', after a particular clash relating to a shipment of sheep being exported from the port (Bradbury, 2008: 89).

⁸⁶. The name 'alan 'as has been used pejoratively to refer to opposition groups over the years since Somali independence from colonial rule. It was first applied to members of the socialist political party, the Somali Democratic Union, founded in the 1960s to oppose the Somali Youth League, then in the 1970s to the exiled Socialist Workers Party (Bradbury, 2008: 65n; Renders, 2006: 203). The tag was revived after 1991 as a reference to those most closely associated with the opposition faction in the Berbera conflict; a group with a loose membership that was seen by some to include a number of military leaders from the SNM along with prominent poets and others. Amongst others, both 'Gaariye' and 'Hadraawi', the originators of the important *Deelley* poetry cycle, were associated - see page 123. The group had by then largely lost its association with an ideological position beyond a general tendency towards greater social liberalism (Mahamed Kaahin, 2007: 12; Mohamed Saeed Mohamed 'Gees', 2007: 2 & 3). The name was later revived again to refer to those who opposed the 'Igaal government in the 1990s (when they also acquired the moniker 'khaakh' - apparently an onomatopoeic term referring to the clearing of phlegm from the throat. The government forces at the time became known as 'shiish' or 'snipers' (Somali Partner Academicians, 2000: 419).

of the additional revenues which he required to bolster his cash-strapped administration (Bradbury, 2008: 89-90).

Paradoxically, the fighting in Bur'o and Berbera had the effect of reassuring the non-Isaaq clans that Isaaq domination would not eventuate in the 'new' Somaliland, thus bolstering support amongst those groups for independence (Garaadka in Garaad Saleebaan 'Afqarshe' et al., 2007b; Saleebaan 'Afqarshe', 2007a). This realisation, coupled with the success of Gadabuursi and Dhulbahante mediators in Bur'o, led to further engagement in resolving the stand-off with the government in the wake of the Berbera conflict.

Delegations from both the opposition and government had, in fact, been meeting for about eight months in Hargeysa, but had achieved little. A new meeting was then convened by the two sides, called Kulaanka (meaning simply 'the meeting'), and involving an opposition group of fifteen led by previous SNM Chair, Ahmed Mohamed 'Siilaanyo', and a government-allied delegation of sixteen, led by Sheekh Yusuf Sheekh Ali Sheekh Madar (Abdillaahi Habane Dheere, 2007; Boobe Yusuf Duale, 2007b).

At Kulaanka, the two delegations accepted that Berbera port would be placed under government control (Abdillaahi Habane Dheere, 2007). However, once the deal was presented to 'Iise Muuse elders, they rejected it, pointing out that it would be unfair for them to surrender the facilities under their control while those in other parts of Somaliland remained under the control of other clans. The issue was particularly keenly felt in relation to 'lidagalle control over Hargeysa airport, as the 'lidagalle are part of the Garhajis pairing with the Habar Yoonis, the clan of the President and the bulk of the government militia who had opposed the 'Iise Muuse in the recent fighting (Abdillaahi Habane Dheere, 2007; WSP International, 2005: 62).

Faced again with a stalemate, Kulaanka continued to meet but were unable to resolve issues to 'Iise Muuse satisfaction, so a group of Gadabuursi elders intervened. They first met the Kulaanka delegations in Hargeysa, before travelling to Berbera to meet a larger gathering of 'Iise Muuse in late September 1992 (Abdillaahi Habane Dheere, 2007). In all likelihood, this marked the first occasion since the 1950s in which Gadabuursi mediators had assumed a central role in brokering a resolution between Isaaq factions, thus representing a significant development in relations between the northern clans (Abdirahman Aw Ali Farah, 2007a; WSP International, 2005: 62).

Following lengthy discussions, the 'Iise Muuse accepted transfer of control over the port to the government, provided all public facilities throughout Somaliland were similarly affected. Hargeysa airport, and Seyla' and Eillaayo ports were all explicitly included in the list, along with fuel storage tanks and major roads. That agreement was then ratified by the two Kulaanka delegations (Abdillaahi Habane Dheere, 2007).

This was not quite the end of the process, though, as both sides were holding prisoners taken during the conflict and the 'Iise Muuse were insisting that the government and Habar Yoonis acknowledge the role they played in initiating the conflict. They were not happy with the proposal

of the mediators that the two sides 'forget' or waive compensation rights for damage and death caused during the war (Abdillaahi Habane Dheere, 2007).

By this stage, and buoyed by their success in mediation, the Gadabuursi group had gained agreement from clans throughout Somaliland that a national meeting would be held in the town of Sheekh to formalise the reconciliation and to advance the agenda towards wider national political reconciliation (WSP International, 2005: 62). However, they felt that the remaining 'Iise Muuse grievances would have to be resolved before the Sheekh meeting could take place.

Accordingly, they gained agreement from the Habar Yoonis and 'Iise Muuse that they would each assume responsibility for gathering their people for several days of discussion in Bur'o and Berbera respectively. As a result of those clan deliberations, the 'Iise Muuse accepted the position that compensation would be waived in the case of deaths and destruction of property that had occurred during the conflict, and that peace could be confirmed between the two parties. Both sides also accepted that physical property that had been confiscated by either side and remained undamaged from the war should be returned to the owners, and that the exchange of prisoners would be finalised at Sheekh (Abdillaahi Habane Dheere, 2007).

The principle that had proven so contentious for the 'Iise Muuse with respect to the waiving of compensation rights was to find expression in each of the Somaliland peace-building processes. The term *halaydhalay* is sometimes used to signify that past grudges are wiped clean, and relations between antagonists are to be rebuilt without retaining memory of perceived injustices. The term literally means 'he was born last night', as a newborn enters the world without resentment⁸⁷ (Ismail Haji Nur, 2007).

Once again, a cycle had started with conflict, which was resolved by agreeing the essential elements of a ceasefire, the return of property and an agreement to waive compensation rights for fatalities and damage incurred during the fighting. As with the process that culminated in the Bur'o conference of 1991, the next step was to bring all the northern clans together to confirm the terms of the agreement. Planning therefore turned to the agreed follow-up meeting to be held in the town of Sheekh in the latter days of October 1992. In the period leading up to the Bur'o conference, the SNM had clearly been the strongest party, and so it was they who organised and hosted the meetings. With the Tuur government and therefore the SNM severely weakened in the wake of the Berbera conflict, they were no longer able to assume that responsibility. Instead, the national *guurti*, who had been part of the successful mediation following the Bur'o conflict stepped in. At core, they were the group gathered by the SNM under the same title to assist with resource mobilisation during the war (Ahmed Mohamed 'Siilaanyo', 2007b), at which stage their membership was Isaaq. However, after the Bur'o conference, their numbers had been boosted with the addition of representatives from the non-SNM clans, and it was they who assumed a greater role during the Sheekh meeting. Once again, Garaad Abdiqani sent a delegation led by Mohamed 'Ali Shire, who, with Gadabuursi and Isaaq members of the *guurti*

⁸⁷. The word 'duudsi' is also sometimes used in the same context - see page 58.

played a significant role in organisation (Garaadka in Garaad Saleebaan 'Afqarshe' et al., 2007b; Saleebaan 'Afqarshe', 2007a). As is the custom, the meeting was chaired by a committee (*shirguddoon*), composed of members from each of the main northern clans, with respected Isaaq elder Haaji Abdi Hussein 'Waraabe' as overall chair (Mahamed Saleh, 2007).

The conference agreed a list of principles designed to avoid future conflict, and to enable quick resolution where issues did develop. Central amongst them was the tenet that each clan must assume responsibility for whatever actions are taken in their own area. On this basis, clans were to ensure security and the provision of a basic administrative capacity in areas they traditionally occupied. Again, this principle had been used on occasion in the past; the innovation at Sheekh was to agree that it would be applied in all instances in Somaliland in the future. The conference also accepted that undamaged looted property would be returned and that prisoners would be exchanged (Abdillaahi Habane Dheere, 2007).

The Sheekh conference concluded in early November 1992, and in spite of its success in confirming the ceasefire after Berbera, the government remained severely weakened. Tuur's term as interim president was due to expire in May 1993, two years after the Central Committee meeting in Bur'o which had appointed him. Technically, the Committee should have overseen the process of transition to a civilian government. However, the intra-SNM discord that had been behind the Bur'o and Berbera conflicts had also rendered the Central Committee non-functional. They had been unable to gain a quorum for a meeting since, and were effectively moribund (Abdirahman Aw Ali Farah, 2007a).

In an effort to overcome this stalemate, the President took the surprising step of asking the newly invigorated and expanded *guurti* to assume responsibility for mediating between the government and opposition (Boobe Yusuf Duale, 2007c). In taking this action, he effectively transferred the Central Committee's responsibility for negotiating a transition to civilian government to a traditional (and civilian) *guurti*. His unilateral move did not strengthen his own position, but it did ultimately enable a peaceful transfer of power, and it had the effect of hastening the institutionalisation of the *guurti* as an organ of government.

With a relatively stable *guurti* now occupying a central position in the political arena, it was they who assumed responsibility for organising the next major conference, scheduled to commence early in 1993. As outsiders to the intra-SNM conflicts of the preceding two years, the Gadabuursi had offered to host the conference in Boorame, and they played a significant role in organisation and facilitation both through the *guurti* and apart from it. Fundraising efforts were intensive, with significant contributions made by diaspora and local communities and businesspeople, as well as some contribution in cash or in-kind from international agencies and NGOs. The *guurti*, elders from each clan, and women's groups were all active in mobilising the necessary resources. The Boorame community provided accommodation and security, with the 150 official delegates staying and meeting at the Sheekh 'Ali Jowhar School, then on the outskirts of the town. Between 700 and 1,000 other visitors crowded into Boorame's hotels and guest houses, stayed with friends or family or were billeted in the households of strangers.

The declared purpose of the conference was to determine the 'destiny' of Somaliland. There was much debate as to what this might cover, and in the end it was decided decisions would be organised in two consecutive phases. The first agreed a security framework under which future conflict would be avoided or resolved before it escalated. This portion of the conference generated the 'Somaliland Communities Security and Peace Charter' (*Axdiga Nabadgaladyada ee Beelaha Soomaaliland*), more commonly known simply as the 'Peace Charter'. The second phase of the conference dealt with issues of national governance, and the transfer to a civilian administration. This component generated a 'National Charter' (*Axdi Qarameed*), effectively a national constitution, as well as electing a new government, with Mahamed Haaji Ibraahim 'Igaal as President (Abdillaahi Habane Dheere, 2007; Drysdale, 1994: 143; Saleebaan 'Afqarshe', 2007b).

From an operational perspective, each clan had been allocated quotas of delegates prior to commencement, reflective of their numeric and political strength, and broadly based on previous formulae adopted by the SNM and in the constituency system used in the last colonial election in 1960 - see page 105 (Boobe Yusuf Duale, 2007b; Saleebaan 'Afqarshe', 2007a). The origin of those formulae apparently related back to a calculation based on equal representation for each of the eight sons of Sheekh Isahaaq, which was later to lead to renewed conflict (see page 140 for further detail). All the major northern clans were represented, and as a result of representations from the Warsangeli and 'Iise, the Habar Yoonis and Habar Awal agreed to transfer some of their allocation to those two. In the end, the Isaaq clans held 90 delegates, with two-thirds of those split between the three biggest (Habar Awal, Habar Je'lo and Garhajis), with the Harti receiving thirty between them, and the Gadabuursi and 'Iise sharing the remaining thirty (Abdillaahi Habane Dheere, 2007; Ahmed Mahamuud Barre 'Garaad', 2007; Saleebaan 'Afqarshe', 2007a; Sheikh Ibrahim Sheikh Yusuf Sheikh Madar, 1993).

However, as important as the voting allocations were, little was decided by vote. The vast majority of decision-making was made through a process of consensus-building. The conference lasted more than four months, and throughout that time, semi-official debates and meetings were constant. They assumed various forms, from more formal chaired meetings where two or three parties would be invited to take part in a debate on a given issue, to direct negotiations between clan or sub-clan representatives, and including myriad *qaad*-chewing sessions (Ahmed Mahamuud Barre 'Garaad', 2007; Prof. Suleiman Ahmed Gulaid, 2007; Saleebaan 'Afqarshe', 2007a). Effectively the voting 'weight' available to each clan was known by all and it informed the debate. By the time the vote itself was taken on any important decision, the outcome was pre-determined. The sentiment was captured by Abdi Waraabe when he observed '... voting is fighting; let's opt for consensus ...' (Mahamed Saleh, 2007). In fact, a great many issues were not settled in time for their scheduled vote, in which case the chair of the assembly would diplomatically be taken ill, and the session cancelled to allow additional time to agree a position (Boobe Yusuf Duale, 2007c).

The major decision on whether to maintain a powerful executive president and a legislative parliament, or to change to a parliamentary system was the subject of strenuous debate, with the conference split fairly evenly between the two camps. That issue too was eventually decided on a consensus basis, when the Gadabuursi agreed to accept an executive/legislative split (Abdilaahi Habane Dheere, 2007; Ahmed Mahamuud Barre 'Garaad', 2007; Prof. Suleiman Ahmed Gulaid, 2007).

The one partial exception to this aversion to voting was the election of the President and Vice President. There were four candidates for the presidency, including the incumbent. In the event, dissatisfaction with Tuur's government, plus the perception amongst some of the Isaaq delegations that it was the turn of Habar Awal to hold the presidency, meant that 'Igaal secured 99 of the 150 votes (Ahmed Mahamuud Barre 'Garaad', 2007; Ahmed Mohamed 'Siilaanyo', 2007b; Guurti, 1993).

5.1.3 June 1993 – February 1997: Institution-Building

November 1994 - July 1996: Hargeysa and Bur'o Conflicts: The new administration was initially able to proceed on the basis of the broad support 'Igaal enjoyed in the wake of the Boorame conference (WSP International, 2005: 65). However, Habar Yoonis in particular were dissatisfied with having lost the presidency and a number of positions in the administration, and tensions surfaced quickly. When 'Igaal announced his first cabinet in June 1993, a bare few weeks after the conclusion of the Boorame conference, the Habar Yoonis nominee (as well as one from the Warsangeli clan) declined to accept the role (Bradbury, 1994: 75), and in July, the Habar Yoonis held their own conference in Bur'o, since dubbed Liibaan I, at which they announced that they would not assume their seats in Parliament or be bound by Somaliland laws (Bradbury, 2008: 116). Liibaan I primarily set out Habar Yoonis grievances with respect to the voting weight they had been allocated at the Boorame conference; an argument which revolved around the use of a formula based on the eight sons of Sheekh Isahaaq, the reputed progenitor of all Isaaq clans. Habar Yoonis trace their descent from only one of the sons of Sa'iid Ismaa'iil 'Garhajis', and were allocated eight delegates on that basis. Habar Je'lo, on the other hand, a diverse grouping who trace their lineage back to four of the sons of Sheekh Isahaaq, held a combined representative weight of some thirty delegates to the Boorame conference. In the absence of any reliable population count, this system offers a pragmatic solution to the problem of representation. However, the Habar Yoonis remain convinced that they number more than the Habar Je'lo, and there is certainly strong basis for a belief that their numbers are proportionally greater than the representative allocation would suggest, hence the strength of their sense of grievance (Bradbury, 2008: 117; Bryden and Dr. Ahmed Yusuf Farah, 1996: 11; Lewis, 1994: 202; Mahamed Saleh, 2007: 12-13).

Early in 1994, 'Abdirahmaan 'Tuur' had accepted an invitation from UNISOM II and General Mahamed Faarah 'Aydiid to join 'Aydiid's Muqdisho-based government, thus confirming Tuur's commitment to a united Somalia. He travelled to Muqdisho with a Garhajis delegation, including leading 'Iidagalle politician, General Jaama' Mahamed Qalib 'Yare', where he ultimately as-

sumed a role as one of a number of Vice Presidents, while Yare was appointed Minister of Foreign Affairs (Bradbury, 2008: 118; Bryden and Dr. Ahmed Yusuf Farah, 1996: 9-13; WSP International, 2005: 65).

A year after Liibaan I, in July 1994, a second conference, subsequently if unimaginatively titled Liibaan II, adopted a much more militantly anti-Somaliland line, branding the 'Igaal administration 'illegitimate', and urging an association between Somaliland and Somalia (Renders, 2006: 287)

Increasingly, this disaffected group called on the fraternal label 'Garhajis' to represent themselves - a claim bolstered by the presence of the likes of General Jaama' 'Yare'. However, that strategy strained Garhajis loyalties, as many 'lidagalle felt that they had never endorsed the Liibaan declarations and, while antagonistic towards the 'Igaal administration, nevertheless remained supportive of Somaliland itself (Bryden and Dr. Ahmed Yusuf Farah, 1996: 13; Faisal 'Ali 'Waraabe', 2007; Renders, 2006: 273). Some amongst the Habar Yoonis also objected to the moves of their political leaders, with some sub-clans, most particularly the Hargeysa-based Abdalla Isaaq, refusing to attend the Liibaan conferences or to endorse the declarations (Bryden and Dr. Ahmed Yusuf Farah, 1996: 12).

In an additional twist that further antagonised the government's opponents, a large sum of new 'Somaliland Shilling' banknotes arrived in the country. They had been ordered by Tuur while he was still in power, with the intention of replacing the Somalia Shilling still in circulation. When 'Igaal's administration introduced the new currency on 20 October 1994, they did so at an exchange rate that heavily profited the government, angering many Somalilanders and stoking disaffection with the administration (Ahmed Mahamuud Barre 'Garaad', 2007: 8; Bradbury, 2008: 119)

Increasingly, opposition politicians had also begun to draw on yet another dispute to boost their position: as with the Berbera conflict in 1992, that issue was about the control of resources. Two ex-SNM militia units, one 'lidagalle, the other Habar Yoonis, remained stationed at Hargeysa airport and had not accepted integration into a national army. Those militia groups had established a pattern of harassing passengers using the airport, and extorting money from them on the basis that the airport sat on land traditionally identified as 'belonging' to the 'lidagalle. Elders from the 'lidagalle attempted to intervene to encourage militia to desist from these practices, but those efforts were bearing little apparent fruit. By October 1994, 'Igaal's patience was exhausted, and he sent government militia to seize the airport by force (Abdirahman Aw Ali Farah, 2007a; WSP International, 2005: 66). While this move provoked hostility, there was nevertheless a possibility that a quick resolution might be agreed based on a grudging acceptance on the part of many amongst the Garhajis that the airport did indeed need to be brought under government control. However, a subsequent government attack on the 'lidagalle village of Toon was seen as exceeding the demands of the moment, and served to rally 'lidagalle against the 'Igaal administration (Bradbury et al., 2003: 117; Bryden and Dr. Ahmed Yusuf Farah, 1996: 12-13; Bryden, 1995). The government position on the Toon attack was that they were pursuing

militia expelled from the airport, who then attacked a Habar Awal market area in Hargeysa as they fled (Renders, 2006).

With the fighting in the Hargeysa area continuing sporadically, the government then determined in March 1995 to seize control of check-points in Bur'o which had not yet accepted government oversight. These were, inevitably, largely controlled by Habar Yoonis militia, and so also ignited clashes between government troops and Garhajis-affiliated militia (Bradbury, 2008: 117; WSP International, 2005: 66).

The Bur'o conflict apparently had the effect of almost emptying the town, with large numbers of displaced persons recorded. Some estimates suggested that 85,000 were displaced from Bur'o (more than the population of the town), and up to 200,000 from Hargeysa, although others suggest significantly lower levels. Certainly, the displacement figures became part of the ongoing politicisation of the conflict; a process in which international actors such as UNOSOM played an active part. It was they who suggested some of the highest estimates for displacement, including the 200,000 from Hargeysa (Renders, 2006: 274-276), and there is some reasonable conjecture that they did this to promote the need for re-establishment of UNOSOM activities in Somaliland. The UNOSOM relationship with Somaliland was never strong, and 'Igaal had already demanded in September 1993 that UNOSOM personnel leave Somaliland on the basis that they had failed to provide 'meaningful assistance' (Bradbury, 1994: 77).

A not dissimilar conflict to the resource-based variant in Hargeysa also flared in Awdal region over Government control over the port of Seyla' and the areas bordering Djibouti. This confrontation drew militia from the local clans, 'lisse and Gadabuursi, into a struggle with the Government for control over trade with Djibouti and adjacent areas of Ethiopia. However, by August 1995, the Hargeysa government had been successful in suppressing this unrest (Bradbury, 2008: 116).

The role of clans, elders and popular opinion in these conflicts was complex and frequently contradictory. It was clear that clan militia were fighting each other: in broad terms, 'lidagalle militia were fighting Sa'ad Muuse militia in the Hargeysa area, while Habar Je'lo and Habar Yoonis militia once again faced each other in the Bur'o area, and 'lisse and Gadabuursi saw themselves as defending their resources in the Awdal region. However, as in previous instances, perceptions differ on whether these were clan conflicts, or can be better understood as parts of a struggle for political advantage. For many 'lidagalle, their struggle was not with the Sa'ad Muuse, but with the Government, and a similar situation pertained for the Habar Yoonis: they were also fighting the Government rather than Habar Je'lo (Faisal 'Ali 'Waraabe', 2007: 5; Renders, 2006: 273-274). On the government side, it is notable that 'Igaal was indeed able to establish a coalition of forces that drew support from a range of clans: a significant achievement given the difficulty Tuur had had in pulling together a 'national' army. The diverse nature of the government forces was recognised in the colloquial epithet applied to them: *marya alool*, a term referring to the screen that separates the cooking and living areas in a Somali aqal or home. The *marya alool* is typically constructed with sticks, woven together with scraps of multi-col-

oured cloth, so when used to describe the government forces, it was intended to convey a sense of their heterogeneity (WSP International, 2005: 66&120n).

By some accounts, the antagonism itself was stoked by politicians on either side. A number of senior Garhajis politicians sided with 'Abdirahmaan 'Tuur' in seeking to bring about the reunification of Somalia and Somaliland, while others did not. In public terms, the Habar Yoonis in particular were split between those who supported Somaliland, although not the Government of the time, and those who wished for reunification. Amongst the 'Iidagalle, on the other hand, the tendency was in favour of continued independence for Somaliland (Faisal 'Ali 'Waraabe', 2007). It seems clear that the situation was exacerbated by a clutch of politicians, centred on 'Abdirahmaan 'Tuur', who saw an opportunity to bring down the government with the help of what they hoped was going to become the successful government of General 'Aydiid in the south (Bryden and Dr. Ahmed Yusuf Farah, 1996: 15). To that extent, there is strong basis for the claim that the conflict was perpetuated by the stubborn self-interest of leading political actors. This view is perhaps bolstered by the government's own position, as 'Igaal resolutely refused to accept that the conflict had a clan orientation, and consequently maintained his insistence that the problem was a political one that could not be resolved with recourse to a clan conference, but should be dealt with by an appointed 'committee' (Bradbury, 2008: 117; Faisal 'Ali 'Waraabe', 2007). This insistence meant that he was not able to make use of the conflict resolution mechanisms that are available through the clan structure; a position that contributed to the intractability of the conflict.

This complex interplay of clan and political affiliations was also expressed in terms of the government relationship to the military wing of the SNM, and in particular, the 'Alan 'As group. Many in both the Garhajis leadership and wider public saw 'Igaal's appointment of senior figures associated with the 'Alan 'As, none of whom were Garhajis themselves (they were predominantly Sa'ad Muuse and Habar Je'lo), as a further expression of his efforts to marginalise the Garhajis (Faisal 'Ali 'Waraabe', 2007). This perception also played into the popular tendency to apply stereotypical roles to members of different clans. The Habar Awal (Sa'ad Muuse and 'Iise Muuse) are commonly seen as successful business people, while the Garhajis are noted as politicians, and the Habar Je'lo as warriors (Ahmed Yusuf Farah, 1995; Bryden and Dr. Ahmed Yusuf Farah, 1996: 14&18; Lewis, 1994: 201). While such stereotypes are inevitably flawed, they also exercise a certain self-fulfilling quality as those who identify with a given lineage sometimes accept, defend and perpetuate them. In this instance, some degree of Habar Yoonis disillusion can surely be attributed to the sense that they had some traditional 'right' to political leadership, although this is, of course, almost impossible to measure (Ahmed Yusuf Farah, 1995).

January 1995 - June 1996: Somaliland Peace Committee and Gaashaamo, Duruqsi, Waaraabeye and Camp Abokor meetings: 'Igaal's solid refusal to countenance a clan conference to resolve problems, coupled with the clear politicisation of the conflict by leading opposition figures as a dispute between secessionist and federalist camps, meant that traditional peace-making activities were rendered ineffective. After their success in Sheekh and Boorame,

Guurti members were keen to exploit their own political capital, but they were unable to achieve a breakthrough in spite of successive efforts by 'Iidagalle and other elders to intervene (Bryden and Dr. Ahmed Yusuf Farah, 1996; Bryden, 1995; Xuseen Cabdillahi Bulhan et al., 1999: 25).

In this situation, there was a need for some mechanism for dialogue and negotiation drawn from "... outside the 'traditional' sphere" (Bryden, 1995: 4). One of the most significant attempts to achieve such an initiative was undertaken by a group that adopted the name 'Somaliland Peace Committee'. An account of their intervention is edifying as it graphically demonstrates the available flexibility in employing a mix of traditional and innovative approaches, coupled with individual initiative. The Peace Committee was, in the eyes of many, unsuccessful (for example, Ahmed Mohamed 'Siilaanyo', 2007a: 1), or else their achievements were seen as limited (Renders, 2006: 289-290), but there can be little doubt that they did contribute, at considerable personal cost, to an environment in which dialogue was promoted. Analysis based on personal history and case study, as is the case in this thesis, can give an impression that history follows a deterministic trajectory in which one event proceeds from another with a degree of inevitability that leads ultimately to a series of successful or unsuccessful outcomes achieved through the timely interventions of key actors. Naturally, this sense of sequential certainty is imparted only by hindsight, and reality is an altogether more messy affair. The Peace Committee story illustrates that messiness, while also highlighting some critical features of the long-term Somaliland peace- and state-building project.

With the outbreak of fighting that followed the Government seizure of Hargeysa airport in November 1994, a number of individuals began to speak out against the conflict. One such initiative gathered pace with a meeting in January 1995 between Faisal 'Ali Waraabe and a pro-Government Habar Yoonis *suldaan*, who had just been appointed by 'Igaal to replace his predecessor, who had joined the Garhajis militia. Together with other European-based opponents of the fighting, these individuals arranged a further meeting in Gothenburg, which in turn resulted in a decision to organise a conference in London in April 1995 (Faisal 'Ali 'Waraabe', 2007: 1).

Meanwhile, in March and April of 1995, a US-based individual originally from Hargeysa, Dr. Hussein Bulhan, had travelled to Hargeysa, Djibouti and Addis Ababa to ascertain support for a peace initiative, and he too attended the London conference, forging a strong link with the European organisers (Bryden and Dr. Ahmed Yusuf Farah, 1996: 22; Faisal 'Ali 'Waraabe', 2007: 2).

The London 'Conference of Somaliland Intellectuals Abroad' took place on 29 and 30 April, and involved some 80 delegates from Canada, Denmark, Finland, France, Holland, Sweden, the United States and the United Kingdom. Resolutions were passed calling for a ceasefire, and establishing a 'Council for Peace and Development - Somaliland', with a standing committee consisting of UK members. The standing committee was charged with raising funds for a peace mission which would travel to Somaliland and Ethiopia, with the stipulation that funds could only be accepted from Somaliland communities in the diaspora (Bryden and Dr. Ahmed Yusuf Farah, 1996: 19; Suleiman Dirir Abdi, 1996: 1-2).

In the event, funding proved hard to come by, in part because diaspora communities were themselves divided by the conflict and apparently found it difficult to support an initiative that had already condemned the positions of both sides. In addition, many of those with the most direct interest in the resolution of the conflict had themselves recently fled fighting and were not in a strong position to donate money (Peace Committee, 1997; Suleiman Dirir Abdi, 1996: 2). It was therefore decided that whoever could afford to provide their own finance would travel to Addis Ababa where a second meeting would be held in October 1995 with delegates from Somaliland and the Somali Region of Ethiopia (Bryden and Dr. Ahmed Yusuf Farah, 1996: 19; Peace Committee, 1995). It was apparently Hussein Bulhan who, during this final series of meetings in Addis Ababa, proposed the establishment of the group which he dubbed the 'Somaliland Peace Committee' (Faisal 'Ali 'Waraabe', 2007: 2).

The resolutions forming the Committee determined that they would number no more than 15, with Hassan Meigag Samatar as Chair and Abdi Hassan Buni as Vice Chair. They also resolved that they would, "... whenever appropriate ... employ traditional ways by which the Somalilanders usually used to settle their differences"⁸⁸, and that they would cease to exist once they had facilitated a dialogue between the warring parties and prepared a report on their activities (Faisal 'Ali 'Waraabe', 2007; Peace Committee, 1995; Suleiman Dirir Abdi, 1996: 3).

With diaspora funding proving so difficult to secure, the Committee widened its search for support to include requests to external agencies. Eventually, the UNDP Emergencies Unit for Ethiopia (UNDP-EUE) agreed to contribute US\$5,000 and to introduce the Committee to other potential donors, provided they prepare a funding proposal. Conciliation Resources, a London-based NGO, and the Ethiopian and Djibouti Governments also offered in-kind support, including assistance with the production of documentation and visas, respectively (Bryden and Dr. Ahmed Yusuf Farah, 1996: 17; Suleiman Dirir Abdi, 1996: 5).

Fearing accusations of partiality were they to make first contact with one or other side, the Committee decided to split into two parts, allowing one group to focus on the Government, while the other simultaneously approached the opposition. They then prepared two identical letters, dated 25 November 1995, to be presented by way of introduction and demanding that each party declare an unconditional ceasefire by 10 December (Peace Committee, 1997: 1; Suleiman Dirir Abdi, 1996: 6). Unfortunately, this cautious effort to demonstrate impartiality failed to waylay declarations, prior to the agreed meetings and from both antagonists, that the Committee was indeed biased in favour of the other side (Suleiman Dirir Abdi, 1996: 8).

Committee members nevertheless resolved to press ahead, and the two groups then had to turn their minds to practical issues. One important task was to identify a system of communication that would enable them to complement each other's effort; no easy task in an era prior to the mobile phone. In the event, they decided to use the BBC Somali Service as a communica-

⁸⁸. *The parallel with the SNM's own constitutional call for a return to 'Somali cultural values of cooperation rather than coercion' (see page 123) is hard to ignore.*

tion medium. Whenever either group had a statement on progress, they would contact the Somali Service and issue a declaration. Both groups consequently became even more avid listeners of the BBC than normal⁸⁹ (Suleiman Dirir Abdi, 1996: 8).

Initially, the Committee determined that they would focus their efforts on the conflict in Hargeysa as they believed that the issues relating to control of the airport were likely to prove less intractable (Bryden and Dr. Ahmed Yusuf Farah, 1996: 20).

Meanwhile, in September, while preparations for the Committee's activities were getting underway, 'Igaal's mandate expired. The ongoing conflict made it difficult or impossible to organise elections, so Parliament granted an extension of eighteen months (WSP International, 2005: 66). Unsurprisingly, the opposition declared this extension illegal and provocative, and so the dispute deepened (Schwoebel, 2001: 4-5).

In order to save money, half of the Committee group tasked with meeting the Government flew to Djibouti on 26 November to brief supporters there, before continuing onto Hargeysa, while the other half travelled by road from Addis Ababa to Hargeysa (Suleiman Dirir Abdi, 1996: 8). Maintaining a heavy schedule of meetings in the first months, the Committee members were able to generate significant public support for their initiative, but received only modest acknowledgement from the Government, although 'Igaal did nominate a group, headed by Vice President 'Abdirahmaan Aw 'Ali, to meet with the Committee (Suleiman Dirir Abdi, 1996: 8-9).

The second group, left Addis Ababa on 30 November for Dire Dawa, and then Jijiga, where a large number of 'Iidagalle and Habar Yoonis lived, with known contacts with the opposition militia. During their stay in Jijiga, they were also able to brief the local Ethiopian administration and learnt through the BBC that the Government had made tentative suggestion that they were now open to negotiation (Suleiman Dirir Abdi, 1996: 9).

However, they also discovered that the opposition were led by an ad hoc group of commanders who met only when necessary, leaving them with an awkward task in determining who to approach. They therefore once again divided their group, sending one individual to the Garhajis village of Daroor to pursue discussions there. At the same time, they succeeded in gaining support from Jijiga-based 'Iidagalle, who agreed to travel to the refugee settlement at Camp Abokor with the remaining members of the Committee to meet with 'Iidagalle leaders there (Faisal 'Ali 'Waraabe', 2007). The two parties reportedly had fruitful discussions, although the Committee noted that some of those they met were "frustrated and militant" (Suleiman Dirir Abdi, 1996: 9-10).

These meetings were not, however, sufficient, as they did not involve all of the key Garhajis decision-makers. For that, the Committee members were told that they must meet the 'Garhajis

^{89.} *The BBC Somali Service plays a very significant part in the lives of a great many Somalis. Although data is hard to come by, a 2005 survey by the BBC themselves found that 88% of rural Somali respondents listened to the radio, and 85% of these to the BBC (Jamal Abdi Ismail, 2006: 16). The author of this thesis can also attest to the popularity of Somali Service broadcasts in both urban and rural areas, with large crowds gathering each evening in tea shops in towns and villages to tune into news bulletins.*

Council'. Two prominent members, the Suldaan of the 'Iidagalle, and the 'acting' Suldaan of the Habar Yoonis⁹⁰ were known to be staying in the Garhajis militia headquarters of Oodweyne, so it was determined that they should travel there for another meeting. However, the vehicle the group was using had been provided by the Region 5 (Somali Region, Ethiopia) administration, and they had not given permission for it to be taken into Somaliland, and a conflict zone at that. One member of the Committee therefore hired a car privately to make the arduous seven-hour journey from Daroor, leaving on 15 December. Once in Oodweyne, the two *suldaans* did meet, and the Committee member asked that the Garhajis Council be convened. However, the *suldaans* explained that this was not possible, as the membership of the clan councils was being reshuffled. The *suldaans* refused to keep the letters the Committee had prepared, and the Committee member returned to Daroor the following day with only a vague promise that they could meet the Garhajis Council when its membership had been determined. The two *suldaans* were then interviewed by the BBC Somali Service, where they reiterated their refusal to meet Government representatives (Mahamed Saleh, 2007: 13; Suleiman Dirir Abdi, 1996: 10-11).

While the two teams had been making their initial approaches to the adversaries, the Committee also succeeded in recruiting prominent individuals who were despatched as a 'peace caravan' in early 1996 (Bryden and Dr. Ahmed Yusuf Farah, 1996: 20), "... soliciting the support of all significant segments of Somaliland society for the cause of peace" (Peace Committee, 1997: 1).

The situation began to improve more generally in the first weeks of the new year. A Committee member had been sent to Camp Abokor and the surrounding 'Iidagalle towns, and he had been informed that the 'Iidagalle clan council was now in place, although the Habar Yoonis equivalent was not. A letter was drafted and delivered to the 'Iidagalle in late January, expressing a willingness to facilitate further discussions. Meanwhile, the President had held a meeting in mid January where he suggested that a clan conference be organised, although the independence of Somaliland was not to be permitted as an agenda item. His offer was met with suspicion by much of the Garhajis leadership, although the Committee did achieve something of a breakthrough when, in early February, they received a promise from a senior Habar Yoonis *suldaan* that the selection of the Habar Yoonis council would be hurried in order to permit a meeting with the Garhajis Council in March (Suleiman Dirir Abdi, 1996: 13-14).

The two Committee groups duly reassembled in Jijiga in late March, keen to arrange the promised dialogue with the Garhajis Council, and having received a positive response to their offer of a further meeting with the 'Iidagalle. However, there was still no sign that the Habar Yoonis council was any closer to formation, and the Committee was also concerned that the Government were employing delaying tactics to avoid a meeting with their opponents (Suleiman Dirir Abdi, 1996: 15-16).

⁹⁰. *The Habar Yoonis suldaan was designated 'acting' because 'Igaal had appointed a pro-Government individual in the position, as noted on page 144, above, while his popularly recognised but pro-opposition rival had travelled overseas.*

Deciding that neither side really had the commitment to break the deadlock, but noting the strength of public opinion supporting a resolution, the Committee decided to change tack. Instead of trying to bring government and opposition leaders together directly, they determined to try and bring about such a groundswell of support for a ceasefire that it could not be ignored. They began organising smaller stakeholder meetings and workshops, involving a range of elders, women, male community leaders and others (Suleiman Dirir Abdi, 1996: 16). On the basis of these meetings, they brought together a large group representing the 'Hargeysa Community' and involving a diverse range of individuals. The 'lidagalle were not represented, but the meeting agreed the text of a letter to be presented to the Hargeysa 'lidagalle leadership that acknowledged their grievances and expressed a willingness on the part of the rest of the Hargeysa Community to meet with them. The letter was duly delivered, and the 'lidagalle representatives again signalled their acceptance (Peace Committee, 1997: 3).

The Committee then set about making arrangements for a large meeting in the predominantly 'lidagalle Camp Abokor, to which a number of Isaaq clans, including those from Hargeysa and also other members of the Garhajis, would be invited (Faisal 'Ali 'Waraabe', 2007: 5).

In May 1996, a serious crisis erupted unexpectedly when fighting broke out between Habar Je'lo and Habar Yoonis militias in a rural area in the Somali Region of Ethiopia, near the town of Gaashaamo. That conflict served as "... a wake-up call" to all concerned (Faisal 'Ali 'Waraabe', 2007: 6), and a meeting was hastily organised between the two clans in Gaashaamo in the same month. Fearing a rural expansion of the conflict, delegates from both clans agreed that further meetings would be held to consolidate the peace (Suleiman Dirir Abdi, 1996: 16-17). The Ethiopian government was also very supportive, doubtless concerned at this eruption of violence on their own side of the border (Bradbury, 2008: 123; Renders, 2006: 288-290). Whatever the motivation, the Gaashaamo talks opened the way for Habar Yoonis participation at the Camp Abokor conference.

It was determined that this conference should be a confidence-building event which would enable face-to-face dialogue between the various parties in a relaxed environment. The agenda was therefore informal, with no plans to directly address specific grievances (Suleiman Dirir Abdi, 1996: 17). The gathering began on 3 June, and continued to 30 June, and included 72 elders from Hargeysa and 180 from both of the main Garhajis clans. The programme featured a largely informal combination of dinners and discussion (Peace Committee, 1997: 4; Suleiman Dirir Abdi, 1996: 17), and resulted in an agreement that all parties would "protect the traditional trading patterns [and] ... honour and observe the peace process until 15 August when the concluding peace conference would take place in Baligubadle ..." (Peace Committee, 1997: 4).

With this commitment to meet again in Baligubadle, the Committee organised themselves for what promised to be their most ambitious conference to date, once again dividing themselves into two groups: one, led by 'Abdi Hassan Buni and Faisal 'Ali Waraabe, was despatched to Europe on a fund-raising mission; while the other, led by Hassan Meigag, travelled to Hargeysa

and then Bur'o to try and maintain the momentum that had been achieved (Faisal 'Ali 'Waraabe', 2007; Peace Committee, 1997: 4).

Before the Gaashaamo conflict, the Habar Je'lo leadership had taken the initiative of inviting Habar Yoonis delegates to attend a Habar Je'lo meeting in the town of Beer as observers. Although the Habar Yoonis declined the invitation, it seemed to open a channel of communication, perhaps assisted by the presence of Peace Committee Vice Chair, Abdi Hassan Buni (Faisal 'Ali 'Waraabe', 2007: 7; Suleiman Dirir Abdi, 1996: 3), although that role is disputed (Ahmed Mohamed 'Siilaanyo', 2007a). At any rate, with the Gaashaamo conflict and subsequent meeting having formalised a process of dialogue, a second meeting was organised between the two clans in June in the village of Waraabeeye (also known as Bhali Dhaye), setting the ground for a full conference in Duruqsi, on 1-13 July (Faisal 'Ali 'Waraabe', 2007: 7; Suleiman Dirir Abdi, 1996: 18)⁹¹. The agreement reached at Duruqsi was the most comprehensive in the process to date, resulting in a cessation of fighting in Bur'o, and a commitment to create a 'representative administration' in Togdheer (Bryden and Dr. Ahmed Yusuf Farah, 1996: 20-21). As ever, there is disagreement on the basis for this deal, with some non-Garhajis observers viewing the outcome as a political accommodation in which Habar Yoonis delegates agreed to support a Habar Je'lo presidency, amounting to a direct challenge to the 'Igaal administration (Bradbury, 2008: 123; Faisal 'Ali 'Waraabe', 2007: 8). In the event, a Habar Je'lo presidency was not to eventuate, and it is hard to ascertain the validity of this claim.

An English version of the full resolutions agreed at Duruqsi are as follow:

- i. The two parties have agreed to follow *shari'a* rules;
- ii. Each clan is to remain responsible for their own arms and militia, and for all activity which occurs in their recognised areas. Each clan will specifically guarantee the security of those from the other clan when they are in the other clan's area;
- iii. All support (military, financial, logistic, etc) by one clan to the enemy of the other is forbidden, including the use of another clan's area as a base or hideout;
- iv. The militia of each clan must be confined to specific locations;
- v. Any breach or threat of a breach of the agreements between the clans should be resolved jointly between the parties, or individually as appropriate;
- vi. Deliberate provocation and 'sinister propaganda' must cease;
- vii. Two sub-committees will be jointly formed to deal with security and military matters, under the aegis of the general joint security committee. The specific responsibilities of the sub-committees to be decided later;
- viii. The public will be permitted to return to their homes in Bur'o once the joint security committee says that it is safe to do so;

⁹¹. *There is some disagreement on the dates of these meetings. The sequence indicated above is recorded in Suleiman Dirir Abdi, 1996 and was confirmed in primary research (Faisal 'Ali 'Waraabe', 2007). Other sources suggest that the Gaashaamo meeting took place in June, followed by Duruqsi and Waraabeeye (Bali Dhaye), both in July, with Waraabeeye also involving the 'Iise Muuse (Bradbury, 2008: 122; Bryden and Dr. Ahmed Yusuf Farah, 1996: 20; Renders, 2006: 293). The process suggested above has been preferred in this case, because it seems more logically to build towards the large meeting held in Camp Abokor, which ran through almost all of June. Also, the preferred sequence of events is related by two Somalilanders who were active members of the Peace Committee itself.*

- ix. Each clan will despatch a delegation to their areas to disseminate the news that a settlement has been agreed; and
- x. Once full peace and stability has been restored, negotiation will commence on the establishment of a representative administration for Togdheer Region.
(wording adapted from a translation provided by Bryden and Dr. Ahmed Yusuf Farah, 1996: 21)

While the Duruqsi agreement marked a significant progression in the eastern conflict, the Hargeysa situation was proving more difficult. Committee efforts continued to raise funds for the Baligubadle conference and to gain acceptance from the government that they would attend. Then, on 13 August, a mere two days prior to the date scheduled for the conference to begin, 'Igaal's Minister of Presidential Affairs, 'Abdillaahi Mohamed Duale⁹², issued a letter stating that "[y]ou are new to this work ... In fact your activities hindered peace finalisation in some areas ... therefore we request you, if it is possible for you, to leave it for us" (Suleiman Dirir Abdi, 1996: 19).

Having failed to raise enough money in Europe to finance the conference, and now faced with explicit government hostility, the Committee decided to abandon the Baligubadle event, and instead focus on assisting with the improving situation in Togdheer. However, the Committee had always been somewhat peripheral to that process, attending meetings as observers, and that is essentially the role they maintained as events progressed after Duruqsi. In that sense, their enormous workload and the significant personal sacrifices of Committee members had failed to produce the breakthrough they had so keenly sought.

What had seemed likely to prove an easier dispute to resolve; namely the one that began as a dispute over the airport in Hargeysa, had become politicised and intractable, and the Committee simply ran out of funds and energy. Indeed, 'Igaal's letter was only one example in a series of vacillations over the Committee's activities. As early as November 1995, the Minister of Foreign Affairs had issued a press release critical of the 'Peace Proposal' that had been drafted by the Committee as part of their engagement with the UNDP-EUE, yet this was followed shortly afterwards by a reception hosted by 'Igaal to welcome the Committee to Hargeysa. As noted on page 146, 'Igaal had also nominated a powerful committee to work with the Committee, headed by his Vice President, and he followed this with a cash contribution to the Committee of US\$5,000 (Bryden and Dr. Ahmed Yusuf Farah, 1996: 21-22). It is difficult to know how to interpret the government's erratic responses. It may well be that 'Igaal calculated that he stood every chance of achieving a more advantageous outcome if he prolonged the conflict in the expectation that he would ultimately prevail. That is certainly how it looks in hindsight. Others suggest that the government felt threatened by a process that seemed to be beyond their control (Bradbury, 2008: 122-123; Renders, 2006: 293). Whatever the reasons, the Peace Committee

⁹². 'Abdillaahi Mohamed Duale was later appointed Somaliland's Minister of Information and then the Minister of Foreign Affairs in the administration of Daahir Rayaale Kaahin.

struggled to find acceptance from all sides, with both Government and Garhajis representatives charging that they favoured 'the other side' (Faisal 'Ali 'Waraabe', 2007: 5).

By this stage, the Habar Yoonis and Habar Je'lo had agreed to finalise their own terms, scheduling a final meeting for September 1996 in the Habar Je'lo town of Beer.

With the Togdheer situation progressing fairly well, 'Igaal did then move to take the initiative nationally. His extended term of office was due to expire in November 1996 and he had not addressed a number of issues which he had committed himself to; namely ending the war, preparing a constitution and organising elections. Under instruction from 'Igaal, the Guurti announced in early October that a 'General Congress of the Somaliland Communities' would be convened in Hargeysa in about two weeks' time (Bradbury, 2008: 124). Many groups, including the Peace Committee viewed this initiative with suspicion, urging the Government to delay the conference until the Togdheer process had been finalised, as well as making other suggestions on the selection of candidates. Some of those suggestions were accepted, but the authorities insisted that the October date was fixed (Peace Committee, 1997: 2).

18 September - 15 October 1996: Beer Conference: The Beer meeting was organised and hosted by the Habar Je'lo, and was designed to conclude a process of talks that had alternated between Habar Yoonis and Habar Je'lo venues (Ahmed Mohamed 'Siilaanyo', 2007a: 5), and it was at this meeting that prisoners were exchanged between the two clans, and agreement was reached on the conclusion of the conflict (Ahmed Mohamed 'Siilaanyo', 2007a: 5-7; Bradbury, 2008: 123).

When 'Igaal announced his intention to ask the Guurti to organise a conference in Hargeysa, the Beer conference was already underway, and many saw the two as rival meetings; a fear that appeared to be valid for a brief period (Bradbury, 2008: 123). The initial reaction of the Habar Yoonis delegates, as well as some of the Habar Je'lo was therefore to boycott the Hargeysa conference, with some pressure placed on the Habar Je'lo leadership to support a joint bid to unseat 'Igaal (Ahmed Mohamed 'Siilaanyo', 2007a: 6; Faisal 'Ali 'Waraabe', 2007: 6&8). These arguments led to what could have become serious splits in the Habar Yoonis and Habar Je'lo ranks, but in the end, the more moderate elements led by Ahmed 'Siilaanyo', prevailed and the Habar Yoonis were persuaded to send delegates to Hargeysa, albeit without placating all the dissenters (Ahmed Mohamed 'Siilaanyo', 2007a; Faisal 'Ali 'Waraabe', 2007: 8; Mahamed Saleh, 2007: 13). The compromise that was agreed was that the delegates to Hargeysa would carry with them a statement declaring their strong reservations about the conference, and calling upon the government to allow a series of national reconciliation meetings before embarking on a concluding national conference (Peace Committee, 1997: 5-6).

15 October 1996 - 13 March 1997: Hargeysa Peace and Reconciliation Conference: Demands that the conference be delayed, or the venue shifted were rejected by the Guurti, although allowance was made to increase representation from both the Habar Yoonis and minority clans, including the Gabooye, Gahayle and others. This involved increasing the number of delegates from the 150 that attended the Boorame conference to 315. For the first time, women

were also permitted to attend as official observers (Bradbury, 2008: 125; WSP International, 2005: 67&120n).

This did not completely satisfy the critics, so vigorous and often angry debate was a particular feature of the conference, although the change in representation did represent a sufficient concession for delegates to continue to participate. Accusations were loud that the conference was undemocratic and manipulated by 'Igaal for his own ends (Mahamed Saleh, 2007: 14; WSP International, 2005: 67). Even the Peace Committee, who had so long exercised patience and persistence were unable to contain their frustration, declaring that:

“... the political atmosphere is highly charged as factionalism and clan politicking (often funded by 'Igaal) runs rampant. There is serious inter-clan and inter-regional polarisation as the political alignment becomes clear: 'Igaal (with all the public resources at his disposal) against all the other candidates ... The situation is fraught with danger and the potential for violence is high, especially if 'Igaal buys his way back to power ... [What is now required is the i]ntroduction to Somaliland of a form of governance that is legitimate, representative and accountable. Any 'Igaal Administration would not fulfil these conditions” (Peace Committee, 1997: 6&7).

The Hargeysa conference was funded by the government, enabling 'Igaal to centralise control of many aspects of its operation in a manner unlike its predecessors (WSP International, 2005: 67), which lends credibility to claims of government manipulation (Ahmed Mahamuud Barre 'Garaad', 2007: 9). However, after five months of argument, negotiation and deliberation, genuine progress had been made. The cessation of the conflict had been formalised, a government fund established for the reconstruction of Bur'o to be paid for through the levy of a new tax, and the new formula for representation of clans had been confirmed for use in parliament (Bradbury, 2008: 125).

One of the critical objectives for the conference, however, remained problematic. The government had been charged with the formulation of a national constitution, but had failed to resolve a dispute with the parliament over who held responsibility for drafting the document. In January 1994, parliament had appointed a 10-member committee, supported by a 20- or 25-person consultative group (there is disagreement on the number), to draft a constitution. The consultative group was drawn from a range of individuals from throughout Somaliland, including elders, politicians, legal specialists and religious leaders. The task of drafting the constitution commenced in mid-1994, with the aim of involving a wide variety of stakeholders in a participatory and consultative process (APD, 2004; WSP International, 2005: 68). However, the President apparently felt that he did not hold sufficient control over this drafting system, and late in 1994 and unbeknownst to Parliament, he placed an advertisement in the pages of the Economist magazine calling for applications from constitutional experts to draft a constitution more to his liking (Mohamed Saeed Mohamed 'Gees', 2007). A Sudanese constitutional consultant was duly awarded the contract, apparently for the not inconsiderable fee of US\$100,000 plus expenses (Ahmed Mahamuud Barre 'Garaad', 2007: 6). Having made the appointment, 'Igaal demanded that the parliamentary committee cease work and vacate their offices to allow the Su-

danese contractor to work from that location. He also prevented the transfer of public funds to the parliamentary group, forcing the suspension of their consultation process (APD, 2004: 20).

In the event, both drafts were completed, meaning that the Hargeysa conference had to tackle the tricky task of deciding a way of settling on a constitution that would keep everyone reasonably happy. They opted to establish a Constitutional Committee, who were to meet while the Hargeysa Conference continued, before reporting back with a final draft that combined the two versions in a workable document in time for the conference to vote on its acceptance (APD, 2004: 20-21). The committee was selected from amongst the delegates to the Hargeysa Conference, with representatives from each of the clans, making up a group of 15 chaired by respected Gadabuursi elder Sheekh 'Abdilaahi Sheekh 'Ali Jowhar (Mohamed Saeed Mohamed 'Gees', 2007: 1). They took the two versions - the 82-page document of 254 articles (al-Sudaani, 1994) which had been produced by the Sudanese consultant and the shorter version that had been drawn up by the Parliamentary committee - and set about finding an accommodation that was likely to gain support from all parties.

The copy prepared by the consultant was well written (in English) and followed much the same structure as the parliamentary one, with the inevitable difference being that it handed more power to the executive branch. The parliamentary version was clearly the work of a more participatory committee whose hard work was evident, as was their inexperience in constitutional drafting. Working through the document article by article, and under considerable time pressure, the committee ended up drawing about 60% from the parliamentary version, with the remaining 40% from 'Igaal's preferred version, although some on the committee felt that the Sudanese version was the better of the two (APD, 2004: 21; Mohamed Saeed Mohamed 'Gees', 2007: 6). The hybrid version which was finally presented to the conference contained 156 articles, including a number which employed the device of noting that the relevant issue was to be determined in the future 'by a parliamentary law' (Mohamed Saeed Mohamed 'Gees', 2007: 10); a system that avoided some of the more contentious arguments that threatened to derail the process of gaining broad conference acceptance, but also one that continues to cause problems today (Republic of Somaliland, 2001).

The conference debated each article individually, making further amendments, then adopting the document as an interim constitution with a validity of three years, at which stage a constitutional referendum was to be held. 'Igaal was not happy with the result at all, and in the years after the Hargeysa conference, he remained committed to finding ways of adapting it before it could be set before the country in a referendum (APD, 2004: 21).

Once the new constitutional draft had been accepted as an interim document, attention switched to the election of the president and vice-president, which could now proceed under the terms set by the new document. Initially, 'Igaal had stated that he would not stand again, but during the conference it became obvious that he was planning to do just that. In all, twelve can-

didates put their names forward, with several immediately ruled out for technical reasons⁹³ (Bradbury, 2008: 126). In the event, 'Igaal secured an overwhelming 223 (70.8%) of the 315 conference votes, with Saleebaan Gaal his nearest rival gaining 90 votes, with one other candidate, Mohamed Hashi, securing just two votes (AED, undated). Daahir Rayaale Kaahin was elected 'Igaal's Vice President, both of them winning a term of five years. The meeting also appointed the expanded 164 members of the two houses of parliament, the lower House of Representatives for a term of five years, and the upper house or Guurti for six (WSP International, 2005: 67).

In the end, the conflict in Hargeysa and Bur'o had served to strengthen rather than undermine 'Igaal's administration, as well as the resolve for an independent Somaliland (Bryden, 1995). Neither of these were outcomes that looked in any way certain at the start of the conflict, but as numerous participants and observers at the time noted, the Somaliland public had grown tired of incessant conflict and brinksmanship, and it was essentially they who brought about what has since become the most sustained period of peace in Somaliland's contemporary history (Bryden, 1995; Mahamed Saleh, 2007).

⁹³. One such 'technicality' was the introduction of a rule that presidential candidates must have been resident in Somaliland for a minimum of two years: a measure introduced by 'Igaal at the conference, and specifically designed to disqualify one of his main challengers for the presidency, 'Abdilaahi 'Umer (Mohamed Saeed Mohamed 'Gees', 2007: 7).

Chapter 6. Conclusions

This section will consider the periods reviewed in section 4.2 *Historical and Geopolitical Context* (from page 77) and Chapter 5. *Case Study: Conflict and Peace-Building in Somaliland 1990-97* (from page 130), summarising the features of each in the context of the adapted framework outlined in section 2.2.4 *An Adapted Framework* (from page 39), and with reference to the theoretical discussion more generally.

6.1 Research Findings

6.1.1 Institutional Change in the Pre-Colonial Era

The first of our research questions required an examination of the contextual institutions in Somali society that enabled or hindered state formation. The purpose of the question was to ensure the incorporation of an understanding of the context in which more recent processes of state emergence took place, most particularly in the northern regions that now make up the self-declared Republic of Somaliland. We can answer the first subsidiary question associated with that task quite succinctly. The question was ‘what evidence exists in Somali history of successful and unsuccessful state-building efforts?’ The answer is that a series of indigenous states did establish themselves over a period of history beginning in about the twelfth century, and continuing through until the start of the colonial era. Two early examples, the Ifat/Adal and the Ajuuraan Sultanates endured for long periods of time, demonstrating the existence of meta-institutional arrangements that were sufficiently robust to allow the transfer of power from one sovereign to another. Regrettably, though, we know little of the detail of the institutional structures that enabled the evident durability of the regimes in those states except that it seems clear that the basis for both was primarily religious, drawing on Islam to promote unity and social co-operation. The Ajuuraan sultanate apparently saw an extension in the idea of ‘Somaliness’ (*Soomaalinimo*) in comparison to Adal and this pattern was repeated in later states. However, over time they seemed increasingly to lack the institutional basis for durability, with the later examples taking the form of small states involving a single kinship group, led by and identified with a single sovereign who struggled to maintain a monopoly over the exercise of coercive instruments. This was most clearly the case with the two small sultanates of Majerteen and Hobyo in the north-eastern coastal areas.

A rise in Somali identity based on kinship is evident throughout these earlier centuries, taking the form of a segmentary clan-based system centred on a mythical line of descent from the Quraysh, the family of the Prophet Muhammad from the earliest days.

The differences in institutional structure between the northern and the southern portions of the Somali territories also quickly become evident. The southern areas were settled later by Somalis, were more thoroughly integrated with regional trade routes, were therefore profoundly influenced by external systems, incorporated a larger though still limited number of variant ethnicities, and the riverine areas provided the basis for a wider variety of livelihood options. In the

north, the nature of the area precluded widespread agriculture, effectively permitting only nomadic pastoralism as a dominant livelihood system.

Throughout the Somali territories, and most particularly in the north, two broad sets of institutions seem often to have competed for dominance. Those associated with the segmentary kinship system emphasised individualism and increasing levels of collective identity through clan division. Conversely, Islam tended to provide the foundation for calls for cross-clan unity. It is no surprise therefore that the more successful states in Somali history tended to draw heavily on the institutions of Islam. Custom based on kinship traditions and those based on Islam seem to work as differing, and sometimes opposed, sets of endogenous contextual institutions. At any moment, one might analyse this interplay to generate a snapshot of the influence of each on the other, and therefore their relative influence on the process of meta-constitutional deliberation. However, over time one sees that relative influence fluctuating.

With both segmentary lineage systems and Islam coexisting through Somali history, the two were usually able to operate in tandem, each influencing the other, although a tension is clear in history and remains evident today. This duality - tension and coexistence - goes a long way to defining the contextual institutions pertaining at each level, and the contribution of each can be seen quite clearly in the constitutional and meta-constitutional resources produced in the constitutive sphere. On the whole, these resources seemed to support a system of social and political organisation that did not historically assume the form of a 'state' regime. Rather, the dominant system of organisation was deliberatively-based and markedly polycentric, militating against the emergence of a unifying or centralising state. If anything, the decline in both the size and durability of the states that did emerge prior to the colonial period suggests that this kinship-based tendency grew stronger over the years rather than diminishing in power.

The artefacts or resources produced in the constitutive sphere inevitably tended to reflect this duality. The constitutional resources produced over the centuries were notably formal and achieved a high degree of consistency, although they were not codified. They tended to embed clan-based systems of contract (*heer*), compensation (*mag*) and conflict resolution, which in turn incorporated significant elements of *shari'a* law. That is to say they were primarily customary and secondarily religious rather than the reverse.

Trade also played a significant role in shaping Somali society from the very earliest days, and contributed a considerable degree of stability, facilitating the development of positive relationships with neighbouring peoples. The states that did emerge were consequently shaped to a great degree by their dependence on trade, although conversely it is not clear that the institutions of trade contributed consistently to the emergence of the institutions of state in more general terms as they seem to have done in other instances. Through most Somali history, sufficient levels of stability seemed to be generated for trade to proceed under the stateless variants of customary law, meaning that the states that did emerge are exceptions in the context of a longer-term tendency for stateless systems of organisation.

In broad summary, then, we can say that with some exceptions the regime that has tended to contribute to the production of the meta-constitutional condition of *liberty, justice and stability* throughout much of Somali history has tended to be polycentric in character, taking the form of what some commentators have called 'kritarchy' - the decentralised rule of judges, or perhaps facilitators, rather than a coercive sovereign (see Frank van Dun in Notten, 2005: 187-196). The establishment of this system clearly represented the emergence of an indigenous system of political organisation - a strong set of endogenous contextual institutions which determined the forms available for collective action at the meta-constitutional level. At this point, the form those institutions permitted could not generally be classified as a system of state.

However, there were exceptions. The periodic emergence of regimes that can quite clearly be defined as states show that the possibility does exist within the Somali historical context for such systems to occur, although the decreasing duration and scope of those states suggests that the potential may have diminished in the centuries prior to colonialism. None of the systems that did emerge during that period took a form that was consistent with the Westphalian nation-state, and although the earlier examples united diverse people of differing clans, and probably ethnicities, most did not enjoy a legitimacy that extended far beyond the confines of a given clan.

It is notable that custom based on kinship and identifiably primarily Somali and secondarily Islamic in nature could be expected to militate against centralising authority, and so it is perhaps no surprise that the tendency of Somali communities to organise themselves into centralised polities decreased over the pre-colonial period, as a common Somali identity became stronger. This evolving Somali identity emphasised the importance of individual and family self-sufficiency, so building strong kinship affiliation, while providing distinct and sophisticated mechanisms for addressing the inter-clan conflict that inevitably erupted given these priorities. This was not fertile ground in which a centralised state could be expected to take root. If anything, the southern Somali territories, with their slightly more hierarchical social structures, more heterogeneous communities and greater trade integration with southern neighbours, might have been expected to offer a more suitable basis for such an eventuality, but today that conjecture presents itself as a tragic paradox, and one which sits beyond the scope of this thesis.

6.1.2 Institutional Change in the Colonial Era

The era of European colonialism in the northern regions can be divided into two periods. The first saw the gradual and reluctant annexation of the area by the British, with periodic intrusions from other parties, including the arrival of the French and sporadic predation by the Ethiopians. This lasted from the early nineteenth century until the Italian invasion of Somaliland in 1940. The second colonial period covered a turbulent two decades: the first 10 years saw a British military administration governing the whole of the previously British and Italian territories, while the second decade witnessed continued transition, culminating in hasty preparations for independence following the UN resolution in 1950 placing the southern areas under Italian trusteeship.

Early Colonial: Each of these periods experienced a very different process of institutional change. In the first, the British were reluctant to commit significant resources to the protectorate, and their influence was limited. They were nevertheless the primary catalyst for the transition from 'collective pastoralism' to 'peripheral capitalist pastoralism'. This change was significant, not least in the environmental effect of more intensive grazing, thus impacting directly on the biophysical world. Generally, though, institutional changes were relatively gradual, and with little direct British intervention in Somali society, endogenous institutional evolution was possible. To that extent, Somalis continued as the primary actors at all institutional levels, although the British administration effectively established a parallel institutional hierarchy in which actors and institutions were almost completely different and separate, yet ostensibly related to the same physical geographical resource set. The presence of these contiguous but barely connected institutional worlds gave rise to the absurdity of European powers negotiating with each other and with the Ethiopians, over the distribution of Somali resources (most particularly land) without recourse or relationship with Somalis themselves. The meta-constitutional and constitutional decisions that were made at this level, most particularly those relating to the imposition of borders (whether well- or ill-defined), were to have far-reaching consequences for Somalis, but at the time, their impact was limited. The provision of resources at all levels, including the generation and nature of *liberty, justice and stability*, remained largely within the jurisdiction of the indigenous population for many years.

In parallel, in the south the Italians tackled their colonial adventure at times with vigour, interspersed with periods of disinterest. In the first years of colonialism, change was relatively slow, but the commitment of Italian resources to subjugation of the southern, central and north-eastern Somali areas in support of their imperialist plans in the Horn saw an acceleration in that process. This contrasted sharply with the institutional change that was occurring in the northern regions. The active imposition of exogenous institutions and the coercive redistribution of assets and liberties meant that Somalis were much more directly excluded from meta-constitutional and constitutional decision-making regarding the governance of their own resources.

However, both British and Italian colonisers were unwelcome colonisers for many and Somalis were periodically inclined to vigorously resist their presence. Resistance to colonial rule was often fierce and coordinated, but did not take the form of a united indigenous struggle for national independence, arguably until the very last years of colonial domination.

The Biyamaal and Wa'daan resistance against the Italians was notable, and so too was that of the *Daraawiish* regime established by the Sayyid Mohamed 'Abdille Hasan. The *Daraawiish* in particular demonstrated considerable commitment to creation of a pan-Somali resistance, in the process introducing significant social innovation including the establishment of a standing army and the conception of a 'general populace' to whom the state owed some responsibility in return for allegiance and the provision of fighters. Sayyid Mohamed's use of poetry and his calls for Somali unity in ejecting colonial powers mean he still holds a special place in the sense of Somali identity for many people. However, opinions are divided as a result of his utilisation of Is-

lam as justification for the slaughter of many Somalis. In essence, in spite of the numerous unique features in his system of socio-political organisation, he was working within long-established tradition, employing religion as the basis for calls for unity while kinship provided the foundation for much of his political manoeuvring; a direct echo of earlier (and contemporary) efforts. Crucially, he failed to establish a system capable of enduring after his death, and he was unable to resolve the critical tension between the two endogenous institutional traditions: unity under Islam and segmentary clan affiliation. Consequently he was simultaneously divisive for some Somalis and a unifying and visionary leader for others.

Each of these regimes - those of the British, the northern clans, the Italians in the south, the *Daraawiish*, and so on - equates with a distinct set of institutional levels, with its own meta-constitutional, constitutional, collective-choice and operational action arenas, deliberative processes and other inputs.

Late Colonial: The second colonial period saw a rapid acceleration in institutional change. The defeat of the Fascists opened the way for the Italians to re-join the cabal of external powers including the Ethiopians, French and British, and now with the added presence of the UN, jockeying for influence in determining the future of Somalis. For ten years, under British military administration, there was much action but little development. Negotiations over borders and the status of the Haud and the Ogaadeen worried Somalis acutely, and the outcome realised their worst fears. The most rapid institutional change, though, occurred in the second decade of this period.

With the Italians eventually preferred by the UN General Assembly to administer the trust territory in the south, they were at least tied to a set of commitments that were intended to prepare the area for independence, overseen by a watchful UN body concerned to prevent abuse of the terms of trusteeship (Brons, 2001: 149). The hurried introduction of Somali administrators into senior positions in the governance of the trusteeship did mean that some southerners gained experience in that regard, although there was almost no time to work through the political accommodations that were necessary if the intended multi-party democracy was going to function after independence. Municipal and general elections in 1954, 1956, and 1958 undoubtedly also helped to establish the pattern of election-based democracy. However, it must surely have been obvious that three elections would prove insufficient as a grounding in the concepts and practice of the representative form in a society in which democratic traditions were so strongly rooted in quite different approaches to governance. The extension of the vote to women in 1958 was also a hugely significant step, but one that was taken almost without recourse to Somalis themselves, and with scarcely a thought for the meta-constitutional agreements that would be required if these instrumental changes were to achieve the intended objectives.

The emergence of the Somali Youth League and other political parties and the associated realignment and politicisation of clan affiliation represented social changes of such fundamental importance that they continue to impact directly on the contemporary Somali situation.

While the Italians tackled their task with considerable enthusiasm, the British administration was much slower to act, but essentially attempted the same imposition of a new representative regime without thought for integration with or accommodation of Somali custom. They seemed to embody a paradox, seeming at once both more committed to Somali interests, in arguing against repartition of the Somali territories, yet simultaneously lacking in urgency and commitment when it came to preparations for independence. It is remarkable that the British authorities made so little effort to liaise with their Italian colleagues in the south, and downright astonishing that independence was barely acknowledged as a likely outcome until 1956. Consequently, while the Italian programme of preparation for independence was desperately short on time, the situation in the north was far worse.

Throughout the two trust territories, the limited timeframe and the intensive nature of the social and political change led to a charged atmosphere in which competing ideologies, politics and a resurgent yet ill-defined sense of Somali nationalism competed with each other for a hold. For many, the result seemed to be a retreat into a form of clan identification which has since been described by Somali scholars, poets and intellectuals as 'clannism' rather than clan itself (for example, see Abdi Ismail Samatar, 1992). The dearth of Somalis educated along 'western' lines and active in colonial administrations meant that the task of 'designing' a constitutional environment in which the foreign concepts of representative democracy and the nation-state could be effectively integrated with the indigenous context was much harder. The Somali response was vigorous, fractious and dynamic, and unsurprisingly unstable.

The education programme might have helped to smooth this transition, but with such a limited period before independence, concerted and successful efforts to increase enrolment rates at all educational levels, plus the introduction of specialist establishments such as the School of Public Policy and Administration and the Institute of Law and Economics in Muqdisho had very little opportunity to effect the kind of rapid societal change that was implicitly being demanded by the foreign powers.

In both the Italian-administered southern and central areas and the British-administered north, the enthusiasm for independence was immense and, while the Italian administration did more than the British, the final years saw such a headlong dash towards sovereignty and unification that it seems in hindsight to be unsurprising that the experiment went so badly wrong. Never having experienced a unitary state that was Somali in terms of the dominant ethnicity of both population and administration, the rhetoric from both trustee administrators and Somali leaders was nevertheless such that the assumption of a seamless transition to the new regime was barely challenged⁹⁴. The adjustments expected in order to facilitate the transition from a polycentric system of governance, dominated at the level of the colony or protectorate by external

⁹⁴. *The same situation pertains today and is embodied in the Charter of the Transitional Federal Government, which asserts that "[t]he Territorial Integrity and Sovereignty of the Somali Republic shall be inviolable and indivisible" (Republic of Somalia, 2004: 3), in spite of the fact that the terms of such a political union have never been formally agreed between the constituent parts. Indeed, in spite of the fact that no equivalent and sustained political union of Somali societies has ever existed.*

administrators, to an indigenous multi-party representative democracy were far-reaching. The simultaneous confirmation of borders that cut across traditional grazing areas, establishing national boundaries that were the invention of colonial map-makers and intra-regional power struggles exacerbated the transition.

With respect to the biophysical world, too, change was significant and rapid. The Italians created two food crises; the first hit the northern areas particularly hard when the Fascist invasion had cut trade links with produce suppliers, and the second a result of the seizure of fertile riverine land and forced transition to cash crops. This led to a rapid expansion in cultivation in non-traditional areas, including those in the north around Tog Wajaale and Awdal where cultivable land was more readily available. This in turn led to the enclosure of plots and increasing conflict between pastoralists who relied on the same land for grazing, and newly sedentarised farmers. Produce prices were increasing rapidly everywhere during the war, so providing an added incentive to cultivators and an increased burden to householders. The process continued after the war, as the restored British administration moved to settle displaced pastoralists and those from the 'reserved' areas of the Haud onto cultivable plots in the same areas (Abdi Ismail Samatar, 1989: 66-67).

Environmental degradation also entered the debate as a significant problem in the northern regions (and elsewhere) as these and other factors combined to place increasing pressure on the fragile ecology. Herd sizes, particularly of sheep and goats, had long, albeit initially slowly, been expanding to take advantage of external demand, and by the 1940s, awareness of the environmental effects on pastures had begun to emerge. In 1967, the UN's Food and Agriculture Organisation noted the 'desperate' need for coordination of management of rangelands to improve environmental sustainability (Mujeeb Al-Najim and Briggs, 1992: 360). The enclosure of cultivable plots itself was accomplished through the use of acacia fencing, which coupled with clearance of acacia growth to make way for crops, led to the relatively rapid removal of these slow-growing trees across more fertile areas, leading to problems of erosion⁹⁵ (Abdi Ismail Samatar, 1989: 66).

Environmental deterioration was a part of a mutually reinforcing cycle. At the meta-constitutional level contextual institutions, the distribution of assets and liberties and the biophysical world, were affecting each other as well as directly altering the process of determining constitutional rules-in-use. For example, demand for cultivable land was leading to a rebalancing of assets as pastoralists were excluded from nutritious pastures and water resources, and returns from cultivation increased relative to livestock herding. Increased horticultural production was also resulting in erosion and a reduction in the presence in some areas of the more productive vegetation for grazing (WSP International, 2005: 209), with both processes contributing to increased

⁹⁵. *This was a trend that has continued since, again being confirmed in 1987 when a World Bank report noted that the problems were worst in the northern rangelands of present-day Somaliland (WSP International, 2005: 209).*

conflict and consequently increased volatility in terms of the resource *liberty, justice and stability*.

This period can therefore be seen primarily as one of change and institutional destruction. All the institutional variables we considered in our framework - the biophysical world, contextual institutions and the distribution of assets and liberties underwent radical change for many. This destructive impulse was so great and took place over such a short period that it is difficult to identify the positive evolution of institutions. Meta-constitutional and constitutional resources tended to be produced and superseded rapidly at the hands of changing regimes but were never allowed the time to consolidate or to become institutionalised.

At the time, the approach to political development was considered enlightened. By most accounts, Somalia was a prime candidate for a successful transition to representative democracy, with 'modernisation' in all facets seen as an inevitable step on the road to progress. However, an institutional analysis of the situation would see the political agenda as a continuation of the imposition of external systems of governance without much knowledge of the local systems that would need to be accommodated. In effect, a set of exogenous contextual institutions in the form of models for democratic representative government (voting under a proportional representation system in the south, and 'first-past-the-post' in the north, universal suffrage, and a polity organised around political parties) were imposed on a set of endogenous contextual institutions that were premised quite differently: a discursive clan-based democracy for men, in which consensus-building was preferred to voting. The decision-making process at the meta-constitutional and constitutional levels continued to utilise the endogenous institutional structure with which people were familiar, but exploiting the apparent opportunities presented by the imposed exogenous institutions. This disjunction resulted in a period of multi-party democracy, including universal adult suffrage, but it could hardly be described as an indigenously emergent regime. Outsiders took the vibrancy of discourse associated with the formation of political parties and the debate surrounding the forthcoming post-independence period as a promising indication of democratic vitality - which in many ways it was. However, few actors were able to see the fundamental rift between the two systems of democracy and the way that representative forms were being manipulated within the very different constitutional rule-set of an egalitarian, kinship-based system of discourse.

One might see this as a disjunction between the actual constitutional rules-in-use and the different set of constitutional rules which the Italians, UN and others assumed would be adopted with relative ease. This in effect was an excellent example of the 'system design' or 'taxis' which Hayek found so abhorrent: external agents, working as 'designers' of a system which was too large, complex and apparently alien for them to understand were attempting to implement a system of governance; a regime (see page 19). As Hayek predicted, that was an impossible task.

However, Hayek's prescription is surely also incorrect. In effect, the representative democratic institutions which were being imposed conformed much more closely with an atomised conception of society than the discursive, and therefore fundamentally collective, system it was meant

to replace. A system did need to be designed, but the basis for that design should have come from within Somali society. A purposive and deliberative exercise in constitutional design may well have provided a basis for the evolution of real accommodations between Somali customary systems and the exigencies of nation-state governance. More Vincent Ostrom's description of "human beings function[ing] both as ... designers and creators, and as ... [the] principal ingredient" (Ostrom, 1980: 310) than Hayek's vision of spontaneous order.

6.1.3 Post-Colonial Democracy

With the benefit of hindsight, it is surely little surprise that the rush to independence resulted in a chaotic brand of politics. Initially, Somalia's reputation was for vigorous debate and contestation of power. This was viewed favourably by many commentators at the time, with one noting "I know of few countries where the democratic process seems so vital" (Farer, 1965: 5).

However, early optimism quickly evaporated. In a naivety surely born of a lack of political experience, agreement on the terms under which constitutional decisions would be made - that is to say, the constitutional rules-in-use established at the meta-constitutional level - was singularly lacking. Exactly as noted above, the constitutive process of determining meta-constitutional resource production had simply not occurred. The demands of a system in which leaders were to be elected for a term of five years, by secret ballot, with universal suffrage (Abdisalam M. Issa-Salwe, 1996: 71), was at odds on each of those points with a traditional structure that was heavily patriarchal in nature, prized transparency and collective decision-making over secrecy and atomised individual autonomy, thus eschewing the exercise of autocratic power by individual 'leaders'.

Early failure to agree on the precise terms of integration of the northern and southern portions of the new republic so quickly turned to outright disagreement that initial enthusiasm for union was never constitutionally ratified. Meanwhile, the failure to reconcile a clan-based society with a party-based political system resulted in considerably greater politicisation of clan than had existed previously; a situation which has continued to create profound difficulties since.

This increasingly chaotic situation reached its apogee with the 1969 election, when over 1,000 candidates stood for 62 parties in 123 seats, with all but one of the successful candidates crossing the floor to join the dominant SYL in the first parliament. This farce was vivid demonstration of the degree to which politicians had failed to come to terms with the new system in a manner that might have worked towards any kind of collective good.

In effect, this process saw a rapid shift from collective constitutive decision-making in which individual agency was considerable at instrumental levels, to one in which individuals assumed autocratic constitutive power, permitted participants to make constitutive decisions in a narrow self- or sub-clan interest, while removing the collective safeguards that had previously pertained. This is precisely the situation described by Abdisalam M. Issa-Salwe when he refers to a new "... type of leader who was more concerned with personal power and aggrandisement ... [and] felt free to operate unchecked by the clan ..." (Abdisalam M. Issa-Salwe, 1996: 140). In so doing, a very real 'tragedy of the commons' was perpetuated (Hardin, 1968). The degree to

which the actions of politicians at this point replicated precisely the sort of 'tragedy' which Garrett Hardin had envisaged is illuminating. Lacking the experience to be able to easily identify the costs and benefits of particular decisions, individuals calculated simply that they should act to advance their own interest. There was no established constitutive meta-constitutional or constitutional framework (or artefact) that was commonly accepted. Consequently politicians reverted to working at an instrumental and individual level, and were unable to contribute to the meaningful production of constitutional or meta-constitutional resources. In so doing, they undermined *liberty, justice and stability*, which was still, at this point of regime transition (emergence), a common-pool resource. They did this very directly: their actions were one of the primary contributive factors in creating a situation in which the president was assassinated and a military coup ensued.

6.1.4 Dictatorship

The pace of extreme social dislocation which had started in the latter stages of colonialism and continued through the nine years of democracy was maintained after the coup, as Siyaad Barre sought to implement an aggressive programme of 'modernisation'. His dictatorial methods can be seen as an attempt to wrest control of the institutions of state introduced by parting colonial powers and premised on external models of governance. He was able to seize power so easily precisely because he was taking control of a system that had not been institutionalised within Somali society. While it seems possible that in the early years he, probably in common with many new autocrats, was motivated by something like a public good. However, it is clear that this benevolence, if indeed it existed, rapidly evaporated in the face of practical political reality. As his regime progressed, he demonstrated such a determination to retain power at all costs that he was willing to seek to systematically eliminate the Isaaq in the north as well as brutally suppressing the more diverse and growing array of enemies from other clans.

It is instructive to divert our attention for a moment and use as a counter-point the regime and methods of another modernising leader who was engaged in an apparently similar enterprise. The post-Ottoman regime of Mustafa Kemal Atatürk also embarked on a social and political programme designed to wrest a predominantly Islamic territory from its traditionalist history, with the aim of transforming it into a 'modern' nation-state. There are a number of interesting differences and similarities between the two which help to highlight some of the institutional problems Siyaad either faced or created.

Just as Atatürk's 'Kemalism' had promoted literacy and a 'modern' educational system, introduced a Latin alphabet, imposed a secular state while attacking the 'superstition' of Islam, enfranchised women, and outlawed polygamy (Landau, 1984: xi & 249), Siyaad also embarked on a programme with many of those elements (Hassan Mekki in M.A. Mohamed Salih and Wohlge-muth, 1994: 56). However, the differences between the two are also instructive:

- Siyaad was working with a different set of endogenous institutions. In the Somali context, his call for unity and the abolition of clan in favour of nationalism saw such a strong parallel with the role that had customarily been played by Islam in Somali society that he was al-

ways going to have to treat secularisation with care. Indeed, this did prove to be the case. It is no accident that his early speeches tended to avoid criticism of Islam (for example, see page 118), or that he allowed a minister to note the comparisons between his own life and that of the Prophet Muhammad⁹⁶. When confronted in 1975 with criticism from a group of *wadaads* that his government was engaging in ‘creeping secularism’ he had them arrested, executing ten for sedition while Siyaad himself argued that there was no conflict between “... having the faith of Islam, and at the same time applying socialism ...” (Ahmed I. Samatar, 1988: 109). Where Atatürk was able to attack Islamic superstition, Siyaad was not able to do so.

- As was the case with Siyaad, Mustafa Kemal was essentially a pragmatist who believed wholly that the modernisation of the state he had seized control over was an essential pre-requisite to its future success. However, Siyaad’s conception of ‘scientific socialism’ lacked practical cohesion, employing the trappings of socialism as window-dressing for an agenda that knew more of what it stood against than it did of the society it wished to create (see page 119). While Siyaad’s conception of socialism did draw on a set of ideological principles that emphasised egalitarianism, the abolition of clan, ‘nationalisation of the commanding heights of the economy’, self-sufficiency and non-alignment (Ahmed I. Samatar, 1988: 89), his practice diverged markedly from these principles.
- In contrast, Mustafa Kemal’s pragmatism was resolutely focused on practical goals that did indeed comprise a coherent policy platform, albeit not necessarily an ideologically coherent one (Sabri M. Akural in Landau, 1984: 146). Atatürk was also critically able to point to his own ‘nationalist legitimisation’ in the form of his leadership in the successful struggle to defeat the allied forces during World War I. This was seen within Turkey as an effort to expel predominately Christian invaders, and burnished his credentials immeasurably, thus insulating him from much potential criticism as he embarked on his programme of secularisation and westernisation (Jean-Francois Bayart in Ghassan Salamé, 1994: 283).
- Siyaad had no such legitimisation. While he certainly drew on a rhetoric somewhat redolent of the nationalistic discourse of Kemalism, promoting the essential elements of ‘Somaliness’ and vowing to repel divisive ‘foreigners’ (see extract from Siyaad’s speech on page 118), he was himself trained at the Military Academy in Italy, serving in the British-administered Somali police force between 1941 and 1960 (James, 1995: 41). From the start, his regime continued with great success to play off international donors against each other, and so maximising their patronage (see note 65 on page 118). The degree to which his ‘scientific socialism’ reflected Soviet pressure is disputed (Ahmed I. Samatar, 1988: 88 suggests that it reflected a personal commitment on the part of the President, while Lewis, 2002: 209 and Laitin and Said S. Samatar, 1987: 96 feel that he bowed reluctantly to Soviet pressure), his reliance was nevertheless significant (Ahmed I. Samatar, 1988: 89). His need to create a

⁹⁶. *The line was that both were called Muhammad, both were married to women called Khadija, and both saved their nations from times of crisis (Abdisalam M. Issa-Salwe, 1996: 81).*

nationalistic aura of his own led directly to the 1977 misadventure in the Ogaadeen. That ploy worked momentarily as his forces experienced early successes against the Ethiopians, but Siyaad's popular support ebbed rapidly when the campaign turned against him, and his defeat is now widely seen as the beginning of the end of his regime (see *Decline of a Dictatorship* on page 122).

Mustafa Kemal was successful in achieving a degree of legitimacy for his modernisation project that was clearly absent for President Siyaad. Both Mustafa Kemal and Mahamed Siyaad were 'strong men' in the Hobbesian sense of a sovereign. For many commentators, the 'Kemalist social contract' was explicitly Rousseauian in nature (Shankland, 1996; Yavuz, 1999), yet however consciously he might have called upon such rhetoric, his approach to modernisation was unequivocally 'top-down'. As was Siyaad's. However, Atatürk's strong nationalist credentials coupled with the determination and consistency of his practical approach to his programme enabled him to weather criticism in a manner that eluded Siyaad.

This amounts to a discussion on the relative legitimacy of each as a sovereign, and their consequent ability to impose a regime on a populace which accepts that imposition, however reluctantly. Atatürk was able to position himself within the contextual institutions that then enabled him to convincingly portray his programme of reform as being essentially Turkish. Siyaad tried to do the same, but ultimately he was not able to mount such a convincing story. His institutional credentials prevented him from presenting his regime as one which effectively integrated with Somali traditions, even though he attempted explicitly to do so.

The adapted framework suggests an approach to the collective constitution and implementation of a system that delivers *liberty, justice and stability* at a meta-constitutional level. However, it does not easily explain the ways in which a sovereign is able (or needs) to manipulate that social system in order to impose their own set of order.

In other words, the highest levels presume a system of collective design, and offer little place for the individual designer who is external to the system (whether by choice or circumstance) beyond their influence on sets of 'externalities' which are assumed to be fixed at the moment of analysis. This is a reflection of the fact that we set out to establish a framework that made no pretence at moral neutrality. Just as Rawls and Habermas modelled their views of political discourse around 'ideal' constructions, we have incorporated a sense of a 'good' process that does not pretend to define 'good' in relation to itself. In that sense, the framework adopted in this thesis is deliberately intended for the examination of relatively 'closed' social systems in which the 'designers' are active participants in the system which they are designing. In this case, we are therefore limited to analysis of the ways in which Siyaad Barre altered the contextual institutions, assets and liberties, and biophysical realities that contribute to the collective constitutive process. Our analysis attempts to consider the way they affected the ability of northern Somalis to draw on the resources needed in constructing their own state.

In essence this is the same situation as we addressed previously in relation to the colonial era: the analysis centred on the ways in which colonialism had affected the Somali context. The lim-

itation was not as clear at that point because the colonial powers were so obviously 'external' that it remained appropriate for the analysis to concentrate on the institutional and physical realities pertaining to Somali society and the ways in which they were affected by this external imposition. Siyaad Barre, however, as must have been the case with the pre-colonial Somali states, represents a locally-based sovereign power who is nevertheless acting as an agent who is 'external' to the social system under examination. This is not, consequently, a situation of 'spontaneous emergence' as referred to in section 2.2.1 *Deliberative Constitutional Economics* (from page 28) any more than was the case with the colonial authorities.

This need not cause a problem, provided we remain focused on the analytical task at hand. The framework is intended to enable an analysis of the collective processes that enabled the apparent emergence of a stable constitutional system in Somaliland between 1990 and 1997, and the geopolitical and historic context that set the terms for that emergence.

Again then, the pertinent points in relation to Siyaad Barre are the degree to which he achieved a notably dichotomous outcome. In attempting to ban clan and to 'modernise' Somali society, he simultaneously both undermined and strengthened each. He undermined those two social elements precisely through the programmes he introduced with that intention. Through the introduction of a secular, non-Somali education system, his more liberal policies on women's social standing (including abolition of the differential treatment of women under *shari'a* law) as well as, to some degree, his anti-clan rhetoric, President Siyaad did change Somali society. Arguably, those changes were felt particularly strongly in the south of the country, where close proximity of the capital, and an already more heterogeneous society meant the presence of greater numbers of minority groups who were able to benefit from these policies. In other parts of the country, though, and notably so in the northern regions, the reaction against many of these initiatives was stronger and served to achieve the opposite result: a strengthening of clan ties and religious affiliation. This was the more so as resistance movements such as the SSDF and SNM became active. With internal unrest turning to civil war, clans identified as opposing the government were forced to fall back on more traditional support mechanisms as the regime increasingly targeted them. If clan and religion are two of the primary foundations for the contextual norms that pertain in Somaliland, then it is readily apparent that the changes wrought by the regime profoundly affected these norms.

The extreme antipathy generated by the Siyaad regime also combined with a period of Ethiopian support for the SSDF and SNM to recondition the relationship between the Ethiopian authorities and those Somali clans that opposed the regime. This too created a situation in which the Ethiopian authorities ceased to be seen as a primary enemy by key northern clans, with the southern regime and the clans perceived to support it assuming that position. This compromised the sense of Somali unity based on language, kinship and religion, and made possible the evolution of a sense of northern (Somaliland) nationalism as opposed to the pan-Somali version, initially but not exclusively amongst the Isaaq.

1990 - May 1991: Ceasefire and Independence: The depth of the rift that opened up between the Isaaq clans and those aligned with the Siyaad Bare regime, and the increasing use made of clan affiliation as a basis for the mobilisation of resources both supported and was supported by a shared sense of grievance amongst Isaaq that enabled the emergence of a form of 'northern nationalism' defined in opposition to the southern regime. This was matched by Siyaad Barre's own sense of insecurity in which he believed many of the northern clans to be plotting against him - a reality which he then had a hand in perpetuating. This amounted to the creation of a suddenly emergent yet remarkably resilient set of contextual institutions and expectations, that drew on much more long-standing sets of clan-based tradition. The rapidity and extent of institutional change that had occurred since the Second World War must surely have made a reversion to more traditional institutions an attractive option, reinterpreted as they were to suit the reality of the moment. In this context, the consolidation of affiliation around clan lines should not be viewed as a surprising phenomenon.

By the time the Siyaad Barre regime finally collapsed at the start of 1991, the first talks between erstwhile adversaries in the north had already taken place. Initially, these were strongly facilitated by two institutional factors: firstly, the proactive engagement of the senior *garaad* of the Dhulbahante, Abdiqani fitted comfortably with Somali traditions of facilitative leadership and individual initiative. Abdiqani had established himself as a respected *garaad* amongst his own people, and he worked hard to maintain their involvement in his engagement with the SNM leadership. It is notable that he employed the clan system to do this: his first approaches to the SNM were through the Dhulbahante's clan neighbours, the Habar Je'lo. The second institutional factor was the fact that the SNM were shown in large part to adhere to the principles of war (*heerka biri-ma-geydada*), where Siyaad Barre had so clearly contravened them (not least in the wholesale destruction of Hargeysa and Bur'o). This was not universally true: SNM militia had certainly engaged in atrocities, perhaps nowhere more so than in Sanaag region (for further information see Chapter 4, in Walls et al., 2008: 59-87). However, in their evident commitment to reconciliation with the non-SNM clans, they demonstrated a willingness to adhere to their own policy and critical Somali norms.

Abdiqani's actions were crucial in establishing that a dialogue between the SNM and those clans who were considered to support the government was possible. Equally, the SNM's policy of reconciliation with clans was critical in supporting that perception from the other side (see page 132). In the final days of civil war, those were the two actions or positions that had the most direct and significant effect in enabling peace talks to move ahead. With the Dhulbahante active participants in dialogue with the SNM, the Warsangeli were willing to accept participation as well, and it also made it easier for the Gadabuursi to take part.

The contextual institutions that enabled these positions were therefore fundamental in creating the conditions in which a constitutive sphere could take shape. The first steps in the process addressed only the immediate issue of ceasefire. That can be seen in the early talks between the

Dhulbahante and the SNM clans in Qararo, Gowlalaale, Dannood and Gaashaamo, then in Oog and through to the larger gathering in Berbera in February 1991. The same was true in talks between the Gadabuursi and the SNM in Dilla, then Boorame, before they joined the others in Berbera. All of those meetings were focused simply on agreeing that fighting would stop, with the evident commitment of the SNM to implementation of their policy of non-recrimination providing an important basis for a building of the trust necessary for those meetings to take place (see page 131).

The institutions that enabled these processes were those outlined repeatedly in the accounts provided previously in this thesis of the various peace processes: while limiting the scope for individual authority in the long term, Somali traditions of conflict resolution provide considerable potential for speculative individual autonomy in the short term. Those traditions also favour collective decision-making within sub-clan groupings, a process that would be profoundly conservative were it not for the flexibility provided by the allowance for speculative individual autonomy.

There is no doubt that such individual autonomy can be (and periodically is) employed in a manner that effectively undermines the long-term collective interest, but it was the good fortune of those in the north that the leadership of clans on both sides of the conflict demonstrated a sufficient degree of vision and commitment to the collective good that peace talks were enabled.

The role of the populace must also be taken into account here. However enlightened, speculative acts of individual autonomy will come to nothing under such a system if they are not ultimately supported by the rest of the sub-clan. That support comes in different forms. Women have no formal voice, although they arguably have greater influence than minority clan groups, such as the Gabooye (see page 67). Formal deliberation takes place amongst adult males, so it is they who constitute the inner or formal element of the constitutive sphere and they are in turn influenced by female members of the sub-clan, whether through marriage or kinship. As significant as the fact of the conciliatory actions of the SNM leadership and Garaad Abdiqani, is the reality that both formal and informal groups within the constitutive body (in other words, the men and few women taking part in the myriad localised meetings and debates) were overwhelmingly tired of conflict and were prepared to make concessions in return for a degree of peace, a first step in the generation of *liberty, justice and stability*.

It was also this popular will that led the Grand Brotherhood Conference in Bur'o (*Shiir Waalalaynta Beelaha Waqooyiga*) to declare the independence of Somaliland against the judgement of many in the SNM leadership of the time (see page 133). As an expression of a collective will not shared by the acknowledged leaders of the moment, this decision must be seen as both collective and indigenous, although arising from a process of 'closed' or perhaps 'whispered' deliberation that embraced the view of a surprisingly broad public at the time. Garaad Abdiqani was apparently supportive and brought a number of Dhulbahante with him, and the Gadabuursi had also agreed amongst themselves that they would support the move. It is therefore a very real example of the potency of the deliberative processes in Somali society.

The fact that elders perceived an implicit threat of violence should the decision not fall in this direction is evidence of a sanction or coercive element in the expression of the collective will. The fact that neither pressure for the decision nor the threat of violence was coordinated to any great degree is vivid demonstration of the broad popularity of the position, while the clarity of the steps that were desired (a declaration of northern independence) is a result of a deliberative process that was successful in articulating a reasonably complex popular position.

The fact that a popular commitment to that independence has been sustained since, albeit with shifts in commitment from a number of groups, is indicative both of the power of the negative example offered by the continued conflict and problems in the south and the effective popular 'legitimacy' of the decision. Indeed, the popularity of the position has been generally sustained in spite of international indifference, the implosion of the SNM and the consequent civil war between erstwhile SNM (Isaaq) members, as well as the passage of almost twenty years.

Referring back to the framework, it is noteworthy that these early conferences also included a significant element that related exactly to the distribution of assets. The immediate issue of property looted during the course of the war had to be addressed, and the agreements invariably required that all extant property be returned to the original owners, while deaths and destroyed property would be 'forgotten' (see page 137). In other words, the distribution of assets was not just an external factor influencing deliberation; it was a critical factor that had to be addressed in order for constitutive deliberation to occur. The same can be said for contextual institutions to some degree. Certain essential principles under which negotiation would take place had to be decided before further deliberation could occur. The principle mentioned above under which those grievances that could be easily addressed (for example, return of looted property) must be settled, while difficult issues such as deaths and property destroyed in the course of war were to be forgotten is one such example. This principle has precedent in Somali tradition, but the option of 'forgetting' difficult issues is one that is called upon only in the aftermath of extreme situations. It goes against the principle of blood compensation, under which payment is made to cover death, injury and material losses where those things are not sanctioned under *heer* (see definition of *halaydhalay* on page 137). This is therefore an example of a definitively endogenous contextual institution.

In summary then, the first period from the dying days of the civil war, through until the Bur'o conference, was largely engaged with a process of determining the institutions that would be utilised in future negotiations, in creating a more equitable distribution of assets, and in restoring a minimal level of liberty. Through that process, a tentative level of *stability* was restored, with some progress also on *liberty* and *justice*.

The specific definition of constitutional rules-in-use and the establishment of the conditions within which a process of deliberation could take place at the constitutional level largely took place in the subsequent phase. Correspondingly, it was also in this phase that the creation of codified and informal collective constitutional resources moved ahead most notably.

May 1991 - May 1993: Military Administration, Discord and Election: The period following the Bur'o conference was marked by a number of developments that might have fatally undermined the establishment of a stable polity, but which ultimately seemed to assist in its consolidation. The SNM, who had played such a vital role in the previous phase, effectively destroyed itself as tensions between fellow members erupted in a series of conflicts. However, the institutional context that had been negotiated in the ceasefire talks of the preceding phase - in other words, the accepted terms of the meta-constitutional situation - proved surprisingly resilient, and were able to be adapted and augmented.

The conflict that broke out in Bur'o was sudden and intense, and represented a warning as to the tensions that were about to erupt in more intractable form in Berbera. However, the Bur'o conflict was brief and involved young militia members, so while the death toll from a week's fighting was high, it was resolved relatively quickly through the intervention of elders, primarily drawn from clans who were not associated with the immediate conflict. While this mediation was not to prove as great a challenge as those to follow, it marked the introduction of a new mediatory approach. Where the SNM had been sufficiently strong to host and organise the ceasefire meetings up to May 1991, and were importantly also able to retain sufficient unity amongst themselves to implement their policy of reconciling with other clans, the new conflict presented a different challenge. The intervention of elders from external clans offered an appropriate response that was to remain important in the future.

Once again, this was an approach that drew on precedent in traditional Somali conflict-resolution, but which required the action of key individuals for adaptation to the specific circumstances of the time. When the more complex tensions in Berbera erupted into fighting in March 1992, the Gadabuursi elders were able to draw on the Bur'o experience to mount an intervention that was again successful where others had failed to reach agreement. The Berbera confrontation was very clearly a conflict over the distribution of assets, although it was simultaneously a dispute over a constitutional situation. The issue at hand was the transfer of control of Somaliland's biggest port from the 'Iise Muuse to the government. In principle, it had already been agreed at the Berbera conference in February 1991 that the ports and airports of Somaliland were 'national assets' (Bradbury, 2008: 89), so the conflict was not essentially over the principle. The issue that so riled the residents of Berbera was the perceived injustice that they should be required to relinquish their primary money-earner when the 'Iidagalle retained control over Hargeysa airport and Garhajis militia continued to extract money from travellers (see page 141). This was instead an issue of the timing and fairness of the redistribution of assets, and thus related to process rather than the end goal itself. While the settlement that ended the conflict reaffirmed the principle that all 'national assets' were to be brought under government control, resolution really rested on meaningful assurance that the principle would be implemented in short order.

Again, the role of wide (male) deliberation in arriving at these settlements is notable. When agreement was reached in kulaanka, the two delegations had to return to their clans for ratification, which was not forthcoming. In the final analysis, the Gadabuursi mediators had to re-

peatedly return to larger clan-based gatherings to put their case for a given position, ultimately achieving broad agreement. Throughout both conflict and resolution, the role played by adult males in deliberating over different courses of action in clan meetings was not merely a significant factor, but a decisive one in first prolonging and eventually ending the dispute. In the process they explicitly affirmed principles for future action, including that mentioned previously and sometimes referred to as *halaydhalay* (see page 137). Such an explicit agreement on future process must be seen as an example of an important 'constitutional element', establishing in the process a 'collective-choice rule-in-use'.

The Sheekh meeting then proceeded to further consolidate and expand on such constitutional elements, establishing for the time the role of an invigorated national *guurti* as mediators with a mandate to facilitate resolution to complex disagreements. The establishment of clan responsibility for occurrences in their own 'territories' was also a relatively innovative if pragmatic constitutional element.

As with previous resolutions, success in establishing an initial framework for constitutional-level deliberation (that is to say, constitutional rules-in-choice) in Sheekh enabled the process to be further advanced at the conference in Boorame, and it was at this ambitious and highly significant meeting that a raft of important collective-choice rules-in-use were agreed. The programme itself was much debated, with the decision to work in two consecutive sittings quite clearly a collective one: the first was to cover security - again, a return to codification of the issues dealt with in the ceasefire meetings - and the second codifying more complex constitutional elements in the form of a national charter. This represented a significant step in the creation of constitutional artefacts to effectively underpin the relevant rules-in-use.

In the view of many, this was the most notable and successful of all the conferences held in Somaliland between 1991 and 1997. In spite of that, a significant party to the conference in the form of the Garhajis clans departed so dissatisfied with the outcome that war ensued. The primary initial cause of that dissatisfaction was the weighting of votes allocated to the most numerous of the two clans, the Habar Yoonis. While successful in establishing what has proven to be a durable, if evolving codification of constitutional arrangements, the Boorame conference nevertheless failed to achieve full acceptance for those arrangements. However, it is significant that the resolution to the conflict that followed eventually drew on both the clan deliberations in which Habar Je'lo and Habar Yoonis eventually reached agreement along traditional lines, and in the Hargeysa conference organised at the behest of President 'Igaal. This is significant, because the success of the Hargeysa conference, in spite of a widely held view that it was highly politicised, showed that there was a good deal of durability in the constitutional arrangements agreed in Boorame. That is not the whole story: it seems clear in hindsight that the conference would not have succeeded without the clan-based interventions that preceded it, and that it was also reliant on the acquiescence of a public fatigued by war. Both of these latter factors must be seen as contextual institutions external to the constitutional framework agreed in Boorame, once again demonstrating the complexity of the process of transition from a clan-based system

to a hybrid system in which clan must work alongside representative democratic institutions in the context of a Westphalian nation-state.

June 1993 - February 1997: Renewed Conflict, Renegotiation and Constitution: Having won the election in Boorame, 'Igaal was able to draw on his considerable political experience, and proved a wily politician. Nevertheless, he was one of several actors whose politicisation of clan relations contributed to the prolonged nature of the Hargeysa and Bur'o conflicts.

In Bur'o, the trigger for conflict was Habar Yoonis dissatisfaction with their allocation of voting delegates. They'd accepted the situation in the lead-up to the Boorame conference, and during its process, but the grievance was long-standing and deep-seated, and when the final votes went against them they initiated their own deliberative process in the Liibaan conferences, which resulted in their withdrawal from the deliberative space in which they had previously participated. In practical terms, the result was conflict.

The conflict in Hargeysa took a different form, and in many respects is very similar to the earlier conflagration in Berbera. The central issue was the very transfer of control of Hargeysa airport from clan to government that had been confirmed in Berbera in 1991, and again in 1992. The meta-constitutional and constitutional choices that were made in resolving the conflicts in Berbera and Hargeysa consequently bore some similar traits. The primary difference between them lies in the very different role played by elders and mediators who were external to the conflict. Where traditional approaches to mediation proved so successful in resolving the 1992 conflicts, they were far less so in the later Hargeysa situation. Elders found that their urgings were ignored, and the various mediating groups, including the Peace Committee were obstructed by both sides.

It is important to note the roles played by the different antagonist groups. The Garhajis are commonly lumped together as the anti-government alliance that continued the war, but in fact, they operated as a number of groups with widely divergent objectives and differing approaches to conflict resolution. For the majority of the 'lidagalle, the central issue was the control of resources, and they were not generally disposed to challenge the independent status of Somaliland, although the prominent 'lidagalle politician, Jaama' Mahamed 'Yare', certainly was so inclined.

For their part, the Habar Yoonis were divided between the unionist aspirations of 'Abdirahmaan 'Tuur' and a position against the government but accepting of an independent Somaliland. For most Habar Yoonis, though, the central issue was the weighting of political representation and a desire to renegotiate the formula based on the eight sons of Isahaaq (see page 140).

The lack of common ground between these groups was illustrated by the difficulty the Peace Committee had in arranging a meeting with any body who was prepared to present themselves as spokespeople for a combined opposition.

The government meanwhile, had for the time being secured the support of the Guurti (thus further 'politicising' that body), and considered their political position to be sufficiently secure as to preclude the need for significant compromise in pursuit of a resolution to the ongoing conflict.

While neither the Peace Committee nor the various groups of elders and other mediators were successful in resolving the conflict, their efforts nevertheless played an important role in opening up a space for deliberation and debate. This was very evidently so in the meeting the Committee organised in Camp Abokor, where no effort was made to negotiate details; only to get antagonists talking again. It is interesting that the one resolution that was produced there referred to the 'protection of traditional trading patterns' (see quote, page 148), an indication of the emphasis placed on finding a mutually beneficial and economically-defined rationale for continued dialogue.

It would therefore seem that the Peace Committee's main contribution was in helping to facilitate the re-emergence of a constitutive sphere in which all the relevant actors could resume participation in the deliberation we have identified as central to action in meta-constitutional and constitutional situations. While they had clearly held ambitions that extended to the production of resources and rules-in-use, this was nevertheless a critical contribution. Only within the context of a revitalised constitutive space could these next steps take place. While the natural tendency might be to assume that conflict resolution must focus on achieving agreement on specific measures to end fighting and resolve grievances, the Hargeysa and Bur'o disputes show a different pattern. The problem in both instances was the lack of a space for deliberation. Once that forum had been established, the institutional arrangements of a regime which had largely been negotiated in Boorame and before that in Berbera and Sheekh were sufficient for agreement and further refinement. In each case, initiatives that were external to the conflicts were required to recreate that deliberative space. Effectively, this can be seen as the reconstruction of a constitutive sphere.

The resolution of those conflicts and the agreements reached at the Hargeysa conference represented a qualitative move beyond any previous set of agreements: it created an environment in which the conflict itself was brought within the confines of the political realm, and it produced an agreed, codified constitution that genuinely attempted to accommodate widely divergent viewpoints.

In many ways, the actual combination of the two constitutional versions was something of an anticlimax, albeit a vitally important one. The committee appointed to the task set about its business with considerable urgency and a remarkable commitment to finding a compromise that would be widely acceptable. In so doing, they made a number of decisions that continue to cause difficulty today, but the important fact of the time is that they did indeed produce a document that found acceptance from those at the conference. And that acceptance was no passive affair: the articles and clauses were read and debated one by one amongst delegates, and through those delegates by a wider public, with adjustments made as agreed. In so doing, they produced a remarkably comprehensive collective constitutional artefact, utilising a notably high

level of public deliberation in the process. The conference achieved acceptance from all major participant groups that, however much they might disagree with issues in the future, they would (at least for the time-being) confine their opposition to the political realm. That accommodation has proven durable, persisting to the present time and negotiating some tough challenges along the way.

All of the negotiations that took place after the Boorame and during the Hargeysa conferences occurred in a significantly more complicated political environment than had other post-1990 negotiations. This marked a real development in the negotiated meta-constitutional and constitutional situations. A civilian government was now a part of the picture, and was addressing issues of power and resource distribution through political means rather than military. The 1997 Hargeysa conference was very much an expression of that changed environment. In many ways, the criticism that was (and continues to be) levelled at 'Igaal and the Guurti in organising a 'politicised' conference that failed to meet the high standards set in 1993 can be seen in a much more positive light. The transition from a civil war that, whatever the causes and claims, had come to be defined along clan lines, to a constitutionally-based nation-state with a capacity (albeit somewhat latent) to facilitate delivery of meta-constitutional and constitutional resources to a population divided by clan and social standing was inevitably difficult. That transition required fundamental social change in achieving a transition from a divided society in which disputes are managed within a segmentary context where recourse to violence provides an important means of settlement, to a definitionally politicised environment in which complex disputes must be resolved through deliberation and representation, with violence largely set aside as an option. Both the importance and difficulty in negotiating this transition through collective or public deliberation is underlined when one notes that it is this, rather than the fact of negotiating a ceasefire, which represents the negotiation of the 'social contract' which must underlie a nation-state polity that is even minimally representative of its citizens' needs.

This is not to suggest that the social contract is negotiated as a unitary whole, or that equally significant challenges do not lie ahead. However, both in principle and in Somaliland's case, it is difficult to overstate the importance of the agreements reached and accommodations made at this point in the deliberative process. They are the foundational accommodations that will allow or prevent the emergence of a viable constitutional arrangement in the subsequent phases of the process.

6.2 Defining Endogenous Contextual Institutions and Rules-in-Use

When examining institutional situations, it is an inevitably arbitrary process distinguishing between different types of institutions. If we recall North's definition, though, there is some hint that this exercise might be possible. If we accept that institutions are "... any form of constraint that human beings devise to shape human interaction" (North, 1990: 4), then many of the principles that underpinned the negotiation and agreement processes can be described as institutional sets. Each refers to a series of norms that were adopted in dealing with meta-constitutional and constitutional situations in Somaliland over the period in question.

Clearly many of these 'institutional sets' will be represented in the framework as 'contextual institutions' (whether endogenous or exogenous). However, there were also institutions which were adopted as a result of specific discussion or negotiation. These should be identified as 'rules-in-use'. In all cases, these institutions are both humanly-devised, and shaped the interactions of those involved. All tend to relate to established cultural elements, and were renegotiated as the reconciliation process proceeded, and it can be difficult to determine which elements are which. There is also no question that a raft of more fundamental principles, often but not always derived from religious tradition, would in turn underpin these more pragmatic norms, and many of these more generic religious and cultural institutions were outlined in section 4.1: *Introduction to Somali Society and Custom*, starting on page 61.

The categorisation of given 'institutions' as either rules-in-use or contextual institutions is not always clear. Even if we assume that rules-in-use must necessarily spring from decisions made at either the meta-constitutional or constitutional levels, most are based on cultural institutions that were not negotiated during conferences or meetings, but which have existed in some form for generations. The categorisation used below is therefore intended only as a useful guide. Broadly speaking, though, there does seem to be some validity in differentiating between the two categories.

6.2.1 Endogenous Contextual Institutions

Constitutive Sphere Before Meta-Constitutional or Constitutional Agreement: Right from the early talks between the Habar Je'lo SNM and Garaad Abdiqani's Dhulbahante delegates, negotiations tackled issues in a methodical manner, starting with immediate local agreement on a cessation of hostilities before moving on to issues of future conflict management and governance. All the main sequences in this thesis followed this pattern, including the processes leading to the Bur'o, Boorame and Hargeysa conferences, and the negotiations leading to the 'Eerigaabo conference in Sanaag (the last of which is not reviewed in detail in this thesis, although case study material is available in Walls et al., 2008).

This pattern is notable for both its persistence and its significance with respect to our framework. It demonstrates a conscious concern amongst participants with the maintenance of a methodically shifting focus, addressing meta-constitutional issues before moving on to establish constitutional rules, and then a constitutional regime capable of producing durable collective choice rules. This pattern was then repeated several times, each phase returning to the meta-constitutional and constitutional levels to reconfirm and further specify rules. The first step in each sequence was the establishment of a physical environment in which meaningful negotiation could take place. This process is essentially one of enabling the constitutive sphere itself and was illustrated with respect to the efforts of the Peace Committee between 1994 and 1996. It is also represented at an earlier stage by the series of ceasefire meetings in 1990 and 1991 that established a sufficient degree of *stability* for discussion to move onto problems of *liberty* and *justice*.

The fact that *stability* had to be addressed before issues of *liberty* and *justice* could realistically be confronted is confirmation of the observation on page 38 that *liberty, justice and stability* is not a unitary resource. It is a compound good and a joint social product. It can, and often does, therefore need to be constructed in parts. Nevertheless, during the process of emergence, the three elements are intricately related. Ceasefire had to be agreed before more difficult issues around the calculation of compensation or the cancellation of that calculation could be negotiated. Similarly, the return of looted property and exchange of prisoners always took place shortly after ceasefire, confirming the goodwill of the parties involved and permitting wider discussion on governance and government.

The principles agreed in the earliest meetings in each sequence represented a very specific set of constitutional rules-in-use, and explicit agreement was gained from participating parties that these rules would in fact be put into use. Those rules were then affirmed and built upon in subsequent stages of the cycle.

A Cyclical and Iterative Process: A fragile peace was first agreed, representing the short term creation of stability and a constitutive space. Once that had been dealt with the nature of that meta-constitutional agreement could be reviewed with a focus on the longer term, whilst constitutional issues could begin to be introduced into the discussion. This meant that meetings and sequences of meetings followed an approximately cyclical pattern. The very early sequence leading to the Bur'o conference in 1991 dealt with ceasefire and early agreement on future governance in the short term - in other words, the establishment of an interim administration consisting of the SNM leadership. A specific term of office was agreed and a set of normative rules and principles were adopted. This confirmed the fragile, short-term stability mentioned above. The fragility of that stability was evident when it partially but rapidly broke down (partially because, even while the conflicts in Bur'o and then Berbera were taking place, the rest of Somaliland remained relatively peaceful). This forced the next sequence of mediations, meetings and conference, culminating in the Sheekh and the Boorame conferences, to return to meta-constitutional issues, renegotiating the basis of stability but also moving on to more complex constitutional issues.

The Boorame conference can be seen to have dealt with issues very explicitly in this manner, as the decision was made to deal first with the Peace Charter (*Axdiga Nabadgaladyada ee Beelaha Soomaaliland*), which set the rules-in-use, before moving onto the clearly constitutional situation in which the terms of the National Charter (*Axdi Qarameed*) were negotiated and agreed. It is readily apparent that, in line with the output hypothesised in the revised framework, the National Charter was a collective constitutional artefact which established codified collective-choice rules and permitted the election of a new civilian government. Interestingly, the Peace Charter could be seen as a meta-constitutional artefact that helped to formalise stability.

The potentially difficult transfer of power from a post-conflict military administration to an elected civilian government had been achieved within the timeframe envisaged two years prior. There was some good fortune involved, along with considerable anguish as the outbreak of fighting in-

licated, but nevertheless the Boorame conference achieved a remarkable consolidation in meta-constitutional and constitutional regimes.

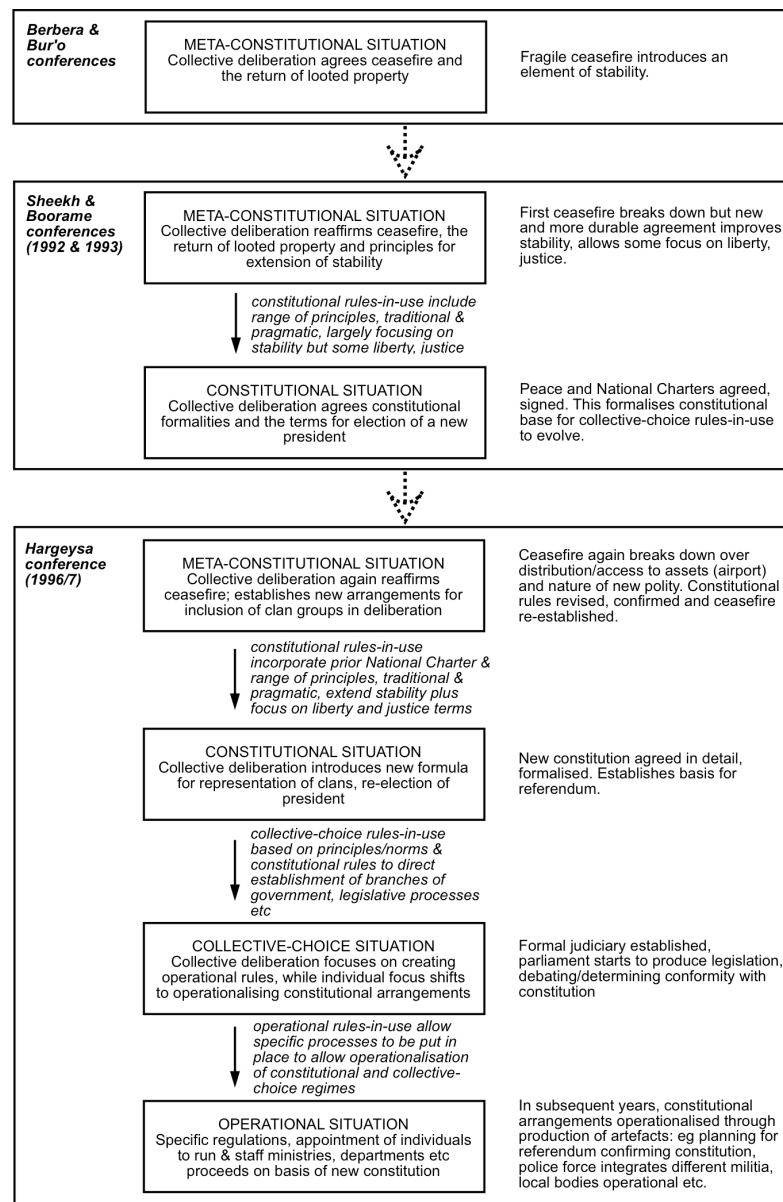


Figure 5: Cyclical and Iterative Nature of Decision-Making

As is illustrated in *Figure 5*, above, this cyclical and iterative process can be related directly to the framework, with the cycle building on and strengthening the 'artefacts' or resources of previous cycles. Consequently, where the peace agreed in Bur'o in 1991 broke down, subsequent conferences in Sheekh and Boorame were successful in reaffirming the terms of ceasefire, then building significantly on those principles to produce two charters, each of which clearly represents a constitutional resource. This pattern was repeated when the Hargeysa conference was able to reconcile parties again, before producing an agreed formal constitution, which strengthened the constitutional rules-in-use for collective-choice decisions in the future. Although still derided for its politicisation, the Hargeysa conference was successful in building on the foundations that had been laid in Boorame, and delegates were able to agree and adopt a complex new formal constitutional artefact. That task had not been possible while conflict had

continued as it required again the resolution of issues at a meta-constitutional level. It must be recalled that the conflict itself was precisely concerned with the distribution of assets and the perceived lack of justice in an arrangement in which the state was proposing to nationalise valuable clan resources.

Flexibility of Institutions at Each Level: Traditional, socially recognisable institutions were adopted and adapted at each level of analysis. There was little adherence to tradition for its own sake, but the general form of a clan- and consensus-based negotiation structure was retained. For the Bur'o conference, the SNM ensured that elders drawn from their own *guurti* and from the non-SNM clans instigated the resolutions to be discussed by the Central Committee, while the Boorame conference relied even more explicitly on an expanded *guurti*. Delegate numbers allocated to clans were also based on established formulae, although the ratios were open to negotiation, maintaining a degree of flexibility. A similar pattern was evident at the Hargeysa conference, where the presence of a civilian government with a political agenda of its own was a new factor. As noted, this was widely considered to have polluted the institutional landscape as political aspirations are apparently considered 'impure' in some manner, but meaningful agreements were nevertheless achieved.

The key point here is the flexibility of the contextual institutions in the constitutive sphere, which suggests that, rather than being seen as fixed externalities (in a similar vein to the assumption in institutional analysis that preferences are fixed), they are in fact negotiable as part of the constitutive process. This supports the argument that some contextual institutions are endogenous (see page 41), precisely because they fall within the ambit of constitutive deliberation and can thus be changed by the society to which they pertain. As was earlier noted, endogenous contextual institutions at the meta-constitutional level therefore act like a set of meta-constitutional rules-in-use. The logic follows that at the constitutional level, contextual institutions must be all those institutions which are not directly fashioned through a discursive process at the meta-constitutional level. Considering the case study, constitutional contextual institutions would presumably be those that are drawn from wider cultural understanding, informing actions taken (collective and individual) that will both produce constitutional artefacts, and collective-choice rules-in-use. This might, for example mean the application of principles such as consensus building as a preference over voting in the active decision-making process. That was not a rule that was formalised or designed meta-constitutionally, it was a rule or preference that was understood by all and which potentially applies at all levels of decision-making. No research has been completed to demonstrate the point, but it is likely that this 'consensus principle' will apply more frequently in the constitutive sphere than the instrumental.

The principle known by some as *halaydhalay* (see page 137), on the other hand drew on an accepted social custom, but was explicitly invoked early in the conference cycle. As such, it could be categorised as a constitutional rule-in-use. Both principles are clearly 'institutions'.

In line with the sub-heading of this section, the consensus principle, as with similar contextual institutions and constitutional rules-in-use, was applied flexibly. Voting was employed when ne-

cessary, sometimes carrying real weight; at other times representing what was effectively confirmation of a fait accompli.

Accommodation of Shifts in the Locus of Power: The evident success of the Hargeysa conference points to another significant factor. The negotiation structure was able to accommodate shifts in the locus of power. Central to this is the fact that in each of the three phases, there was a body with the necessary authority to initiate a dialogue. Leading up to the Bur'o conference, this was clearly the SNM, but when their position became fundamentally weakened, an invigorated *guurti* was able to provide the necessary legitimacy and authority in Boorame. In Hargeysa, once the meta-constitutional framework had been re-negotiated, it was possible for the government of President 'Igaal to assume that role.

This is essentially an issue related to the way in which actors interact with the institutional structure or regime they must work within. The discussion returns us to the early comment on the meta-constitutional and constitutional action arenas as ones in which the action is collective, much as described by Rawls as a process of 'public reason' (see page 33). This is where actor groups reside, and it is a measure of the strength of the regime that the actors at each level were able to be replaced or to adapt their positions without undermining the regime as a whole. In the Somali instance, the institutional context proscribes the exercise of authority, placing an emphasis instead on facilitation and mediation, so the 'power' referred to here is seen as facilitative influence rather than coercive authority.

This is merely to describe a situation in which the various layers of institutions are sufficiently embedded in society for them to have established a robustness that would be near impossible were those institutional arrangements imposed externally. Because the regime in question is built on embedded (or institutionalised) rules and norms, everyone is aware of those terms, making it much easier to see when they are being flouted. One of the reasons for the distaste of many Somalilanders for the 'politicisation' of the Hargeysa conference surely relates to the perception that the exercise of the new and more manipulative form of political power wielded by representative politicians did indeed flout norms regarding authority. Perhaps this illustrates the point.

Scope for 'Facilitative' Leadership: Individuals and distinct groups, sometimes from within opposing parties, but at other times external to the conflict in question, played a significant part in initiating or furthering talks. This point could possibly be paraphrased as 'the importance of leadership', but it is a form of leadership that emphasises personal effort in facilitating discussion, rather than in autonomous individual decision-making. A notable feature of this leadership during the processes described was the willingness of people to expend considerable personal effort on speculative peace-building initiatives, either as individuals, or as part of a team. This is generally consistent with the Somali tradition of mediation, in which self-appointed mediators seek to find solutions on a speculative basis, succeeding only when they are able to win the trust and acceptance of reconciling parties.

Voting is Fighting: An element that has been mentioned a number of times is the commitment to building consensus in favour of decision-making by vote. Votes were held: often symbolically in the context of a general assembly, but wherever possible decision-making was conducted primarily as a negotiated process of reaching agreement. This underscores the degree to which customary traditions of Somali democracy employ deliberative rather than representatives processes.

An Exogenous Contextual Institution or Just Background?: There is one further factor which formed a background to the process rather than being integral to it, and is therefore not noted in the list above. However, it clearly represents a constraint, or at least a condition, of human devising that unquestionably shaped interactions in Somaliland. Continued conflict in the south of Somalia served as a strong and constant reminder of how the situation could deteriorate if permitted. It seems that the fear of what could happen if conflict were permitted to get out-of-hand served (and continues to serve) a function not dissimilar to that of an external enemy sometimes hypothesised as a necessary factor in compelling the formation of a viable state (Marten, 2007: 43). Indeed, the SNM struggle against the regime of Siyaad Barre gave most Isaaq a very real sense of a 'common enemy', and it could be argued that this sense of common cause has been generalised beyond the Isaaq and transferred to a general aversion to political union with the southern clans. As far as this is true, it represents a dramatic shift from the notion behind *Soomaaliweyn*.

The situation imagined by Marten is, of course, different, but the effect of southern disorder in focusing northern minds has certainly been so pronounced as to warrant mention. Indeed, the parallel has not gone entirely unnoticed by Somali scholars. Said S. Samatar, for example, explicitly noted such an effect when speaking at Chatham House in 2007 (Said S. Samatar, 2007: 12). In providing continual and graphic illustration of the costs of ongoing conflict, the southern and central Somali areas also provide strong motivation for Somaliland determination to strive for international recognition as an independent state. While that aspiration is not universally shared by those living within the borders of the old British protectorate, it is readily apparent that it is shared by a significant majority of that population.

6.2.2 Rules-in-Use

'Forgetting' when Compensation too Complicated: The idea that grievances should be forgotten (*halaydhalay*) is not a universal given in Somali society, it is an option in situations where conflict has been so complex or devastating as to make calculation of *mag* compensation impossible. When applied, this principle stands in marked contrast to the popular notion in international post-conflict theory that truth-telling is one of the essential mechanisms in successful peace-building (Bloomfield et al., 2003; Kiss, 2000). As with any approach to finding a basis for the establishment of peace in the aftermath of conflict, it offers a pragmatic means of resolving immediate disagreements, albeit often without removing deep-seated, residual distrust between antagonists. That pattern was plainly evident in areas in Somaliland in the course of the research that informs this thesis. This form of institutionalised collective amnesia, although heavily

criticised in some instances (for example, in relation to Zimbabwe: Bloomfield et al., 2003: 36) is recognised as a valid part of many peace-building processes by others (Mendeloff, 2004). However, the risks of individual impunity and continued distrust between parties must also be acknowledged.

Somali Instigated and Managed: The process remained locally instigated throughout, meaning that conference, meeting and mediation schedules remained sufficiently flexible to accommodate changing needs. Very explicitly, this meant that the primary institutional arrangements were manifestly endogenous and could be adapted as circumstances required. This is a significant indicator of a process which could be said, using the definition on page 42, to be an example of the 'spontaneous emergence' of a constitutional regime. Because it is spontaneous in this sense, the participants retain a sense of institutional memory and comfort: there is a widely shared understanding of the institutions within which they are to work precisely because they are based on understood local custom.

The point that this highly locally-referenced process of decision-making suggests that the process that occurred between 1990 and 1997 did indeed represent a case of 'spontaneous' emergence is, of course, a significant claim. While no complex socio-political situation is ever likely to exist in which external influence is completely absent, and that was certainly not the case in Somaliland during this period, it is nevertheless significant that increasingly stable meta-constitutional and constitutional regimes were negotiated with little external involvement in the constitutive sphere. What external involvement there was took the form of instrumental support for local processes.

There is another interesting angle in this that is also worth noting. The lack of external engagement was not an unintentional act of forgetfulness. Somaliland was (and continues to be) marginalised because many of the main international diplomatic and aid actors have committed themselves to different processes in the southern Somali areas. In that sense, it was a conscious decision for most outsiders to avoid extensive interaction with Somalilanders in the constitutive sphere. Many argue that this was fortuitous for Somaliland, and it is quite possible that is true. However, many Somalilanders urged greater foreign engagement, and continue to do so. This institutional arrangement is categorised as a 'rule-in-use' not because the circumstance itself was internally agreed, but because it forced the development of immediate institutional responses to the need to manage the process of reconciliation locally. It could equally be argued that the lack of external engagement in the organisation and practice of deliberation forced Somalilanders to rely almost entirely on endogenous institutions to support deliberation and decision-making. That would suggest this entry should be categorised as a contextual institution. As previously noted, the typology is sometimes difficult to apply.

Collective Clan Responsibility: The principle that each clan should take responsibility for the actions of individuals within that clan's territory, represents the pragmatic application of a much broader principle of responsibility, and as such is categorised as a rule-in-use arising from conscious deliberation.

The established customary norm would be for *mag*-paying groups to act as guarantors of individual behaviour, but in the post-1991 context in Somaliland, the large number of disaffected, under-employed and armed youth required a more rigidly territorial form of clan-based discipline. Again, as a pragmatic solution, there have been downstream consequences of this change: formal transfer of authority for security to clan entities has complicated the disarmament process, institutionalising a justification for clans to maintain militia, which in turn has contributed to the recasting of some conflicts in clan terms (for example, those relating to Berbera port and to Hargeysa airport).

Use of Third Party Mediators: The involvement of mediating individuals or groups external to an immediate conflict, but sufficiently engaged with it has been mentioned above (for example, see page 180), and is worthy of inclusion as an influential principle. The SNM was clearly not an external group during the Berbera and Bur'o conferences in 1991, so external mediation was not always employed. However, the Gadabuursi and Dhulbahante delegations were instrumental in resolving the Berbera conflict and in preparing the way for the Boorame conference. This latter example is therefore an example of the principle in practice. In fact, external actors tend to play an important role even where they are not leading the process at the time. For example, at many of the most important conferences, including Berbera, Bur'o and Boorame, the resolutions themselves were drafted and amended by a drafting committee including three members of the non-Isaaq clans. Garaad Saleebaan (Dhulbahante) and 'Abdirahmaan Aw 'Ali Farah (Gadabuursi) were both associated with the SNM, so to that extent straddled both sides. The third member was Mohamed Abdi 'Ali Bayr (Warsangeli) who was not an SNM affiliate. They were well aware of the role they played as a non-Isaaq drafting committee (Saleebaan 'Afqarshe', 2007a). Similarly, in Hargeysa, the committee assembled to agree the synthesised constitution were very conscious of the role they played in trying to satisfy the majority of conference delegates rather than just the government, and the membership was drawn from all the major clans (Mohamed Saeed Mohamed 'Gees', 2007). The issue of external involvement in Somali peace-building initiatives is a contentious and topical one. The fact that international organisations played so minor a part in the Somaliland process is often cited as a basis for its success. There is considerable support for that position, but it is equally important to note the role that 'outsiders' (usually 'interested outsiders') have traditionally played in Somali conflict resolution⁹⁷.

It would seem that there is scope here for outside agents to seek constructive engagement using institutions such as this as the basis for a negotiated space for such engagement. That is the argument put forward in a separate paper by the author of this thesis (Walls and Kibble, 2010).

⁹⁷. *Mohamed H. Mukhtar is explicit in proposing this as an essential 'ingredient' for peace in the southern Somali areas alongside the presence of trustworthy delegates, creative ideas and a reinterpretation of Somali 'sovereignty' (Abdulah A. Osman and Issaka K. Soaré, 2007: 123-126), while Rashiid Gadhweyne notes the importance in different situations of internal emissaries and those from third party clans who have an interest (often as neighbours) in resolving a conflict (2009: 125-126).*

Local and Diaspora Funding for Peace and Conflict: Another essential element in the peace-building processes is directly related to the local management of conferences already mentioned, but is also worth drawing out as a separate item. With each series of mediations, meetings and conferences predominantly locally or diaspora funded, the consequent limitation in funds removed the incentive to prolong the negotiation process unnecessarily or to offer overly generous allowances⁹⁸. This was not necessarily adopted intentionally as a principle: outside financial assistance may well have been welcomed had it been offered (indeed, it was both offered and welcomed in a number of specific and relatively small-scale instances). This would suggest that, much as was the case with Somali instigation and management, this was something of a perversely coerced situation. However, the manner in which hosts took responsibility for mobilising the necessary resources for each meeting or conference had the very immediate effect of making all those involved very aware of the limits to resources, but also the potential flexibility of deadlines where resources permitted. The experience of the Peace Committee who ran out of funds before achieving the goals they were pursuing illustrates the point more negatively: even a relatively prosperous diaspora group was so heavily reliant on small donations from a variety of interested sources that when that interest waned, so too did their involvement.

Significantly in this discussion, conflict too was self-funded. It is difficult to ascertain the impact of this, but the observation made by a number of interview subjects and commentators that the Somaliland public effectively sued for peace because they had grown so tired of conflict must presumably have been facilitated by the fact that much of the funding for that conflict was coming from local and diasporic communities themselves.

This arrangement is included under the title rules-in-use because fundraising did develop a very deliberate and specific set of expectations. The hosting of conferences was shared to a large degree, and the responsibility for funding lay primarily with them. While this principle arose from a contextual sense of fairness and responsibility, the practice was deliberate and specific to the conference or meeting at hand.

⁹⁸. A number of Somali and non-Somali authors have noted the effect of 'dhaadhac' (literally 'things that fall' - Davies, 1988: 61) on the long series of parallel Somali peace conferences. Dhaadhac refers to the allowances and per diems paid to delegates by external donors during the post-1991 peace conferences with the aim of supporting them while they re-establish a viable 'national' government for Somalia. It is commonplace for commentators to see these allowances as a prime incentive in the desire of delegates to prolong the conferences in order to maximise personal benefit (see for example, Mohamed H. Mukhtar in Abdulahi A. Osman and Issaka K. Soaré, 2007: 125).

6.3 Implications of the Findings for the Framework

One of the tasks we set ourselves at the beginning of this thesis was to use the case study analysis to reflect on the adapted framework. We will accomplish this through a series of observations, some of which will result in direct suggestions for adaptation to the framework; others will be more general, and will require further work before suitable adjustments can be put forward with confidence.

The first such reflection has already been noted both in the conceptual discussion (page 38) and in the case study analysis (page 176): the posited meta-constitutional resource, *liberty, justice and stability*, is not a unitary resource and did not 'emerge' as a whole. In fact, it began to take shape in a progressive series of steps, over a considerable period of time, but in a specific order. The achievement of a fragile, short-term stability, in the form of ceasefire, came first before issues relating to liberty and justice could be dealt with. This can be seen as a re-institution of the constitutive sphere, though equally the regime itself must prove itself able to reproduce that stability, so it is also a resource.

There was a distinct sequence to the decision-making process which involved clear constitutive deliberation, thus validating the framework at each moment in the process of emergence, but the framework does not reflect the cyclical nature of that deliberation over time. This is a common problem: it is difficult to reflect change over time within a framework of this type. There are, however, elements of the process built into the framework. By including the distribution of assets and liberties within the constitutive sphere, the framework recognises that such distribution is strongly affected by endogenous processes which take place over an extended period, and indeed, continually evolve.

However, the three elements do bear a strong relationship with each other. Very often in the case study, *stability* broke down because a sufficient number of those involved felt that *justice* had not been done and justice itself draws both from a sense of individual and collective freedom. So, while the resource is not unitary, the three elements do rely on each other. It is possible, although beyond the scope of this thesis, that for an institutional regime to find a state of equilibrium, it must either provide some balance of the three, or else rely on coercive means of enforcing stability while disregarding liberty and/or justice. If that argument holds any potential, then a regime that is able to balance the three would then definitionally be a just and stable regime. In that sense, the framework as adapted would seem to go some way to achieving the aim set earlier in the thesis. Rather than conflating systemic efficiency with justice, as was the wont of Hayek, this idea of balance would suggest that the effort to articulate an institutionally-based but morally normative framework indeed has some value.

Of course, the negotiation of meta-constitutional, constitutional, collective-choice and operational situations does not take place in the hermetically 'sealed' context of an autopoietic state, clan or community. Every element of that negotiation must occur both within the relevant group and also with all those external groups, be they other clans, nations, multilateral bodies (such as the

UN) or other interested parties, who choose to so involve themselves. The negotiation of borders was a process that occurred with notably little input from Somalis. In fact, it occurred almost entirely in spite of their objections and was consequently manifestly unjust. In so doing it both drove Somali self-identification in the form of the *Soomaaliweyn* conception developed largely in reaction to colonial impositions, whilst simultaneously undermining existing perceptions of unity through culture, language and religion. The colonial negotiation of borders was an externality that was not influenced significantly by those within the domestic system (in spite of their best efforts).

However, the post-conflict situation in Somaliland was notable for the degree to which some contextual elements did not behave as externalities: they were flexible and could be altered within certain parameters and by mutual agreement. Borders remained an important factor and an externality, but many customary approaches to conflict resolution were applied pragmatically, with deliberation over the particular changes to be made. To that degree, it could be difficult to differentiate between endogenous contextual institutions and rules-in-use, a circumstance already noted when reviewing the framework. The distribution of assets and liberties, though, was also open to negotiation, and therefore an integral part of the constitutive sphere on some occasions and is quite clearly not covered as a set of rules-in-use.

This confirms the decision to distinguish between exogenous and endogenous institutions, and also to draw the distribution of assets and liberties into the constitutive sphere. These elements encompass and extend beyond the conception of preference that is assumed to drive the behaviour of the rational individual. One of the very deliberate decisions we took in adapting the framework in the first place was that, contrary to the views of some institutional analysts, preferences are not fixed, and neither can they always be assumed to be individual in nature.

This adjustment did not fully address the issue of the change in institutional context over time. Specifically, it doesn't account for the cyclical process in which meta-constitutional issues were tackled in the first cycle, then re-examined, affirmed, adjusted and refined in the next cycle, allowing deliberation to extend to constitutive and then collective-choice issues in turn. It is difficult to conceive of a means of conveniently and coherently representing that process in the framework itself. Some of the framework elements do assume evolution over time (most particularly the distribution of assets and liberties if they are assumed not to be fixed but rather subject to discourse). This tends to be a difficult issue with many frameworks, and it probably remains true that the adaptation employed here would benefit from sequential analysis requiring repeated review of the elements of the framework at different points in time over the duration of the process under examination.

Related to these first observations, and again less simple to resolve, is the fact that there are numerous external factors that are neither of the 'biophysical world' nor can they easily be drawn in as 'institutions', yet they unquestionably affect the decision-making process. For example, the awareness of comparative chaos in the south has been noted as a significant factor in keeping Somaliland minds focused on resolving issues in the north. That awareness is hu-

manly-devised and could be termed a constraint, but it is also an externality. This is a reflection of the fact that the socio-political 'system' being described in the framework is not autopoietic. Again, this requires further thought, but there is a need to recognise a greater range of externalities than are represented at this point. The framework itself needs to be kept as simple as possible to avoid it becoming an unwieldy thing of limited value in ordering analysis, but these are significant considerations.

There are also endogenous states that are determined by sets of institutions, but are not themselves institutions. For example, at a constitutional and government level, the issue of legitimacy is discussed in much of the relevant literature. For Locke, popular consent provides the foundation for the establishment of a legitimate governmental regime (Dunn, 1967); a view which Rawls unsurprisingly accepts and builds upon (Rawls, 2005: 137). Indeed, for Rawls, consent is provided through the function of public reason, and is of course, fundamental to an acceptably deliberative regime.

However, the only way we can really ascertain the normative acceptability and legitimacy of a given regime through the framework is to examine the 'quality' of the meta-constitutional resource in all its facets. This is potentially compatible with the framework, in that we can use Rawls' two fundamental normative principles on liberties and difference (see page 30) as a basis for an assessment. That brings us back neatly to the argument with which we started: namely that the socio-political governance regime that is generated by a given process must be considered using normative guidelines rather than simply as an 'efficient' replication of itself. Essentially the difference between accepting 'spontaneous order' as the best option on the basis of its spontaneity and applying an understanding of acceptability that draws on some interpretation of morality.

In the case of Somali society, one wonders if the 'type of regime' most likely to find popular acceptance is not in fact some 'minimal' form of state not dissimilar to that presumably envisaged by Ken Menkhaus when he considered his 'Minimalist State Scenario' (2000: 18-19). One could argue that traditional structures in Somali society already place such a high premium on individual liberty in the context of the collective responsibility of a segmentary clan system that the further imposition of anything more than the minimally centralising state needed to function as a nation requires the introduction of sets of institutions that are at the present time mutually exclusive.

This may seem a counter-intuitive reflection given the concern with collectivism that has permeated the theoretical concerns of this thesis, but surely the point made in that process was that the collective should largely be permitted to define its own legitimacy within certain parameters. Somali society addresses Rawls' difference principle relatively effectively: the clan system provides a social safety net that ensures that social and economic inequality is mitigated to a large extent for most in the population, while equal basic liberties are largely assured to adult males.

That is not an equitable position, as both women and minority clans are not fully included within either area. However, any improvement in that situation must be achieved without substantially worsening the egalitarianism that is already present for half the population, and sustainable change must be achieved through institutional structures that are understood and accepted by most.

6.4 Concluding Comments

The 'grand' and sustained successes in centralised state-building in the Somali territories took place in the early years. The Adal and Ajuuraan Sultanates being the notable examples, with the smaller Geledi, Majerteen and Hobyo sultanates all achieving some success in that respect, with the complexity and longevity of each diminishing respectively. There is remarkably little known about the actual functioning of these states and mini-states, including the notable early examples (on the subject of the dearth of information on the Ajuuraan, see Laitin and Said S. Samatar, 1987: 15-17).

Siyaad Barre also tried to call on such a tradition, though with markedly less success. He embarked on a 'homogenising' crusade that aimed to modernise Somali society, doing away with clan and replacing it with a system of 'scientific socialism'. Although the rhetoric and ideological base was markedly different, the objectives were in many ways similar to the modernising agenda of the colonials (see Abdi Ismail Samatar, 1992; Lauderdale and Toggia, 1999 amongst others). This agenda fully accepts a rationale that is consistent with many understandings of 'progress' and 'rationality'. Lauderdale and Toggia make the point cogently when they note that "[t]he creation of 'rational order' entails the construction of homogenous nation-states, national identities, centralised bureaucracies, unified legal systems with a set of formal laws, and the institutionalisation of market capitalism as 'the' rational economic system" (1999: 160-161). This brings us right back to our early discussion on Hayek and the limits of rationality.

One of the common themes is the emphasis on homogenisation and modernisation of a society in which clan and informality stand in opposition to progress. Perversely, the failure of modernisation initiatives are in themselves then written off using the same logic. This time, Abdi Ismail Samatar makes the point, before positing the obvious question in response:

"The logic of the traditionalist discourse⁹⁹ leads to the conclusion that the trouble with Somalia is the nature of its culture, grounded in the clan system, with cruel individuals [such as Siyaad Barre and subsequent 'warlords'] proving divisive for projects of modern nation-

⁹⁹. The term 'traditionalist' in this context refers to the 'traditional' liberalising and modernising agenda of mainstream 'western' or 'northern' discourse. Abdullah Awil Mohamoud equates it with 'traditionalist' western Anthropology, tracing a line through I.M. Lewis and noting that the implication is that segmentary lineage and clan affiliation form the basis of Somali social organisation and are inimical to systems of state oriented around the 'modern' nation (Abdullah A. Mohamoud, 2006: 37-40). Essentially, this thesis represents an attempt to both acknowledge the importance of clan, while also looking for a more nuanced understanding of political reality. A not dissimilar approach to that of Abdullah Awil, in fact. "Without insight into these pre-colonial and colonial past dynamics, contemporary politics in Africa cannot be understood" (2006: 42).

building ... In order to avoid these shortcomings [i.e. the failings of the 'traditionalist discourse' referred to above] and the constricted interpretation of Somali culture, we need to ask: What in the old system constrained dreadful men from plunging society into hell?" (1992: 629).

The process that occurred in Somaliland between 1990 and 1997 provides us with some insights that suggest responses to that question. In fact they turn the traditionalist discourse on its head. The old system constrained 'dreadful men' precisely through the institutions that the 'traditionalist' modernisation discourse would have Somalis set aside. Regrettably one can conjecture (and many do) that those institutions do indeed seem to have been fatally undermined in many of the Somali areas. However, the Somaliland experience suggests that they offer at least a partial basis for the inevitably difficult process of negotiating an accommodation between the social systems that continue to support Somali society, and the 'modern' nation-state, that has thus far proven so difficult elsewhere.

The common conjecture that those existing social systems are now moribund would suggest that the 'problem with Somalia' is that clan systems have been subverted by those internal actors with an interest in doing so, with the active support of external actors who fail to understand the process that is taking place (see, for example, Said S. Samatar, 2007). The tragedy is that the misinterpretation of external actors has become self-perpetuating. Rhetoric to this day still frequently holds clan to be 'the problem', without seeking to understand the role that clan can play in helping to negotiate a solution. Consequently donors and other interested external actors continue to struggle to identify the participants worthy of support or the initiatives that might succeed.

It is in exactly this area that Somaliland has so much to teach us. However, Somaliland itself faces a great many challenges in the future, some of which can be discerned through the analysis offered. While popular desire for peace was a significant driver in the state-building process, there was not a discernible popular struggle for representative democracy or any other given system of political governance. There has been a great deal of discussion on which system to adopt, but that has generally taken place amongst an educated elite, with the majority happy simply to see peace maintained. It may be that this reflects the prior embeddedness of a system of male deliberation, meaning that popular (male) pressure was already effectively channelled through the traditional system, with the result that the wider population were willing to accept the role they played. However, as the contemporary constitutional system (meaning that which has become established since 1997) has become more thoroughly embedded, this has led to a progressive reduction in the level of public understanding and trust in the role played by politicians, leading to rising disillusionment. That is a process that can be seen in parallel in many countries. The problem in Somaliland is that the meta-constitutional regime responsible for the generation of *liberty, justice and stability* remains fragile: Somaliland is still an emergent state; one which remains relatively simple 'for one or a few oppressed [or politically well-placed] men to overturn'.

It is clear that, in the words of Charles Tilly, 'popular struggle' has advanced democratisation in Somaliland, and equally clear that 'wise leadership' has also played a part (Tilly, 2007: 50). It is not clear, though, how that balance will be maintained in the future, or how an equivalent model might be replicated elsewhere.

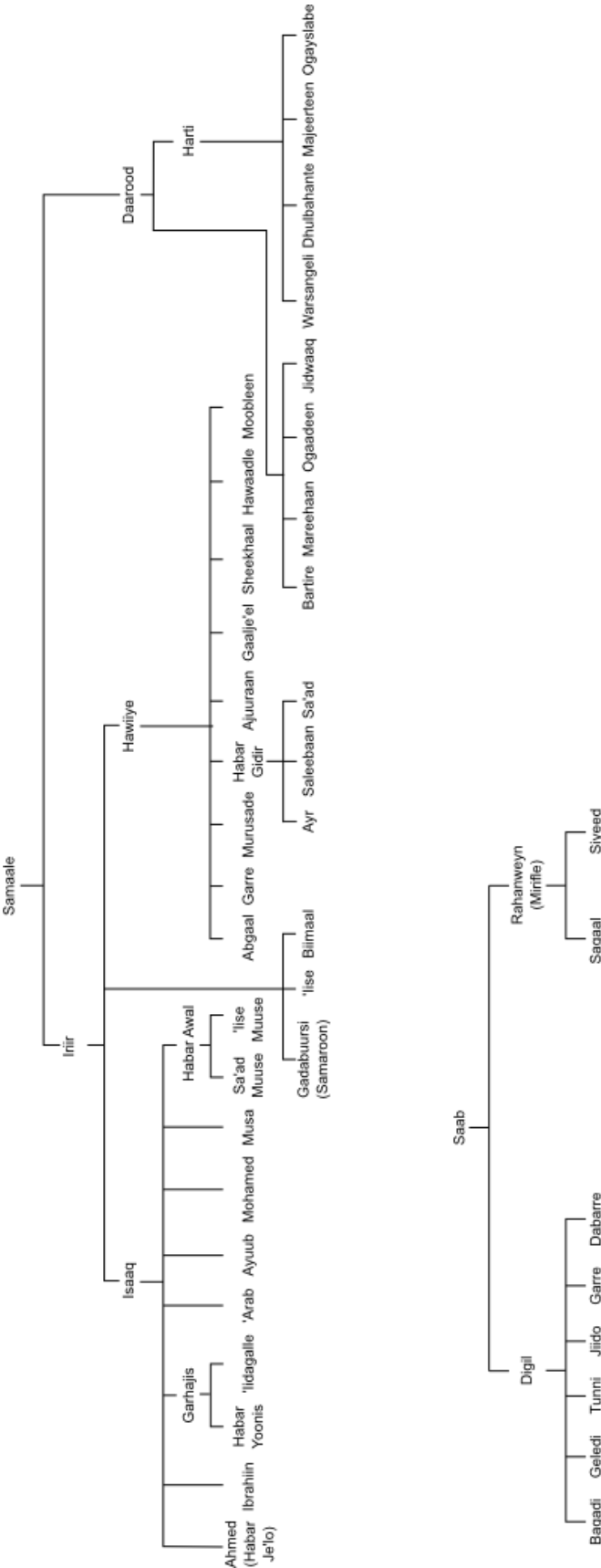
We have seen in the course of this thesis that the period between 1990 and 1997 in Somaliland is notable for showing what can reasonably be described as a collective and indigenous process of emergence. It followed a conscious and methodical process of deliberation that involved society at a broad level: adult men most directly with women able to exercise a peripheral influence, while youth and minorities tended to be largely excluded from the process. That process was enabled by the strength of feeling that unity with the south had been a failed experiment.

The review also points to some danger signs. The process of conflict, mediation, negotiation and agreement became more difficult with each step. This suggests that the process might continue in that direction in the future. Since 1997, there is mixed evidence on this: each political crisis has seemed more intractable than the last, and at the time of writing, a second presidential election is scheduled over which there has already been significant dispute. However, widespread conflict has not resumed. It remains possible to envisage innumerable possible courses from here, many of which would represent a significant retreat from the process of 'hybrid' democratisation that is described above. Continuation along the path so impressively followed to date, while certainly feasible, tends to involve decisions and directions which are less easy to forecast. That is to say no more than that it can be easier to envisage crisis than success. However, the process in Somaliland has seen the negotiation of successive crises, with each being followed by a period of improving stability.

This still begs the question, though: when do the sets of rules and regimes at each level become sufficiently institutionalised that the meta-constitutional and constitutional levels can be said to have become stable? That would mark the end of 'emergence'. Perhaps inevitably, the answer to that question will not become clear until after the fact. So far, Somalilanders (both the general populace and the political elite) have shown a remarkable ability to rescue the process from a series of complex crises, and perhaps the best job we can do as external agents to that process is to watch with interest, and support where possible. It is to be hoped that both the theoretical and case study analysis in this thesis will contribute to a small degree towards a better understanding of such situations.

Appendix 1. Somali Lineage

Figure 6: Somali Clans: Genealogical Structure



Appendix 2. Maps

Figure 7: Map of the Somali Territories

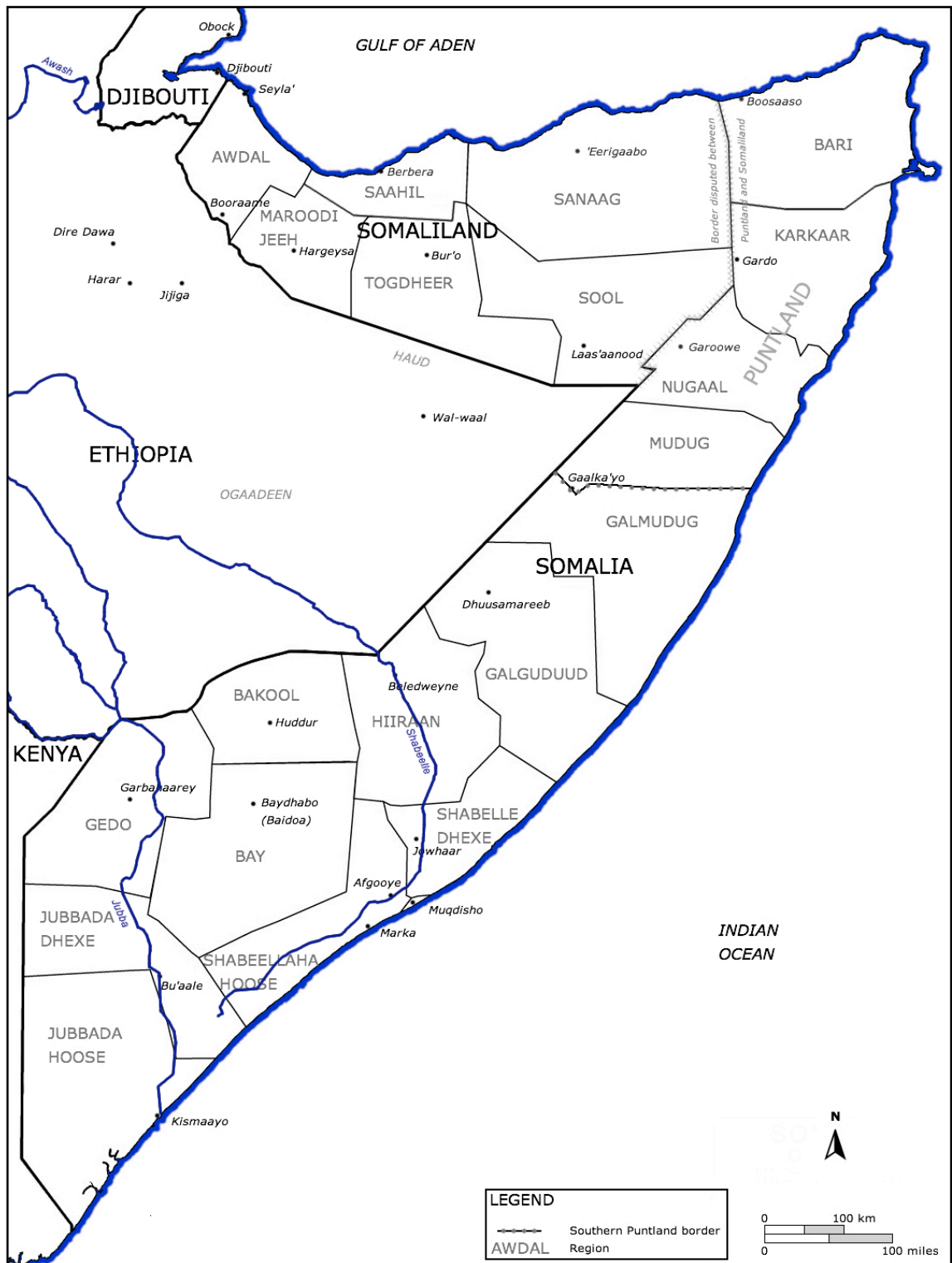


Figure 8: Map of Somaliland

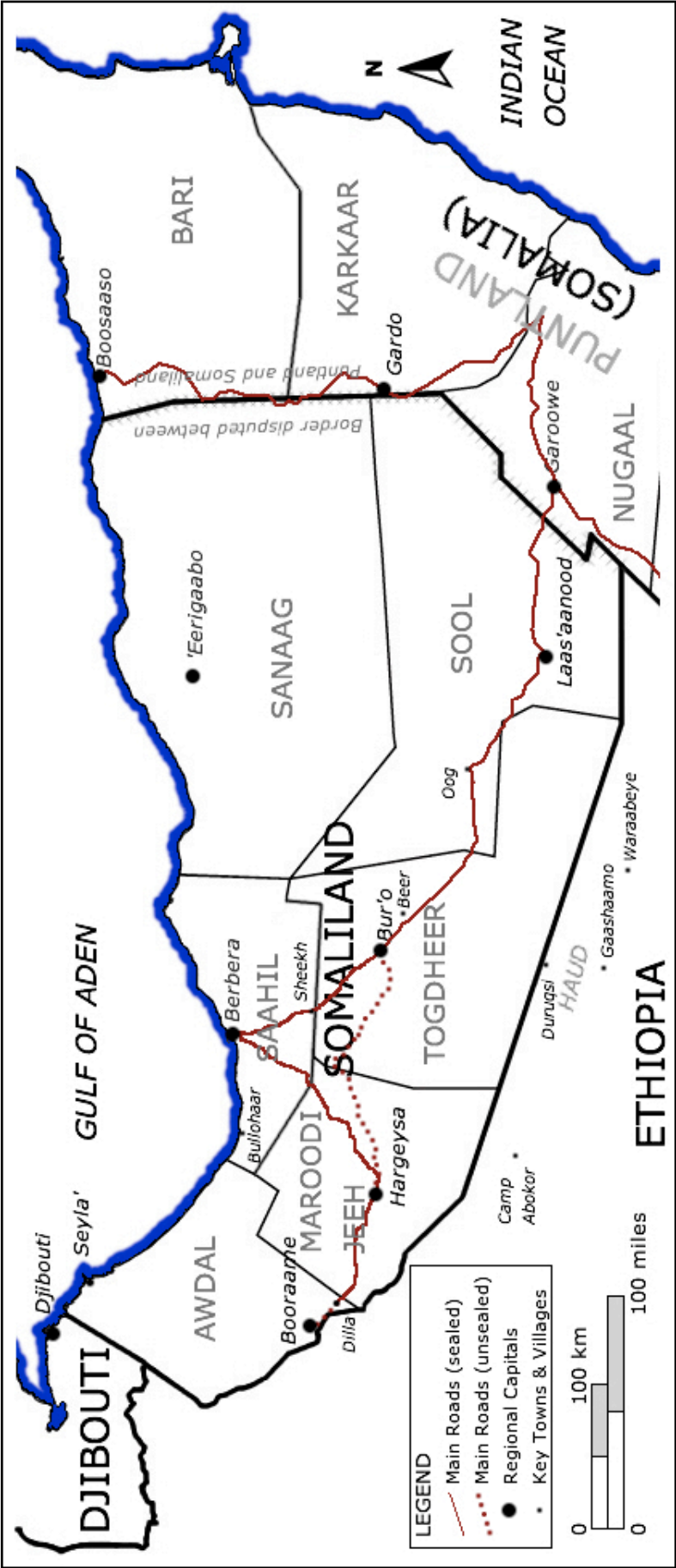


Figure 9: Major Clan Areas in Somaliland and Neighbouring Territories

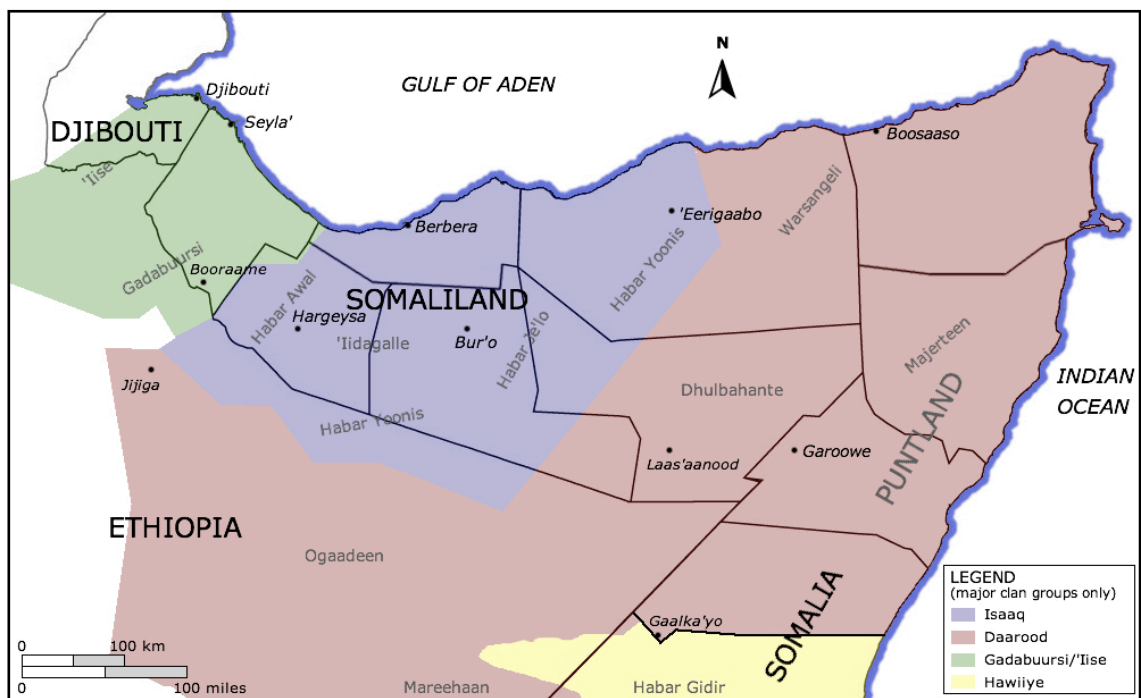


Figure 10: Area of Italo-Ethiopian Border Dispute

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(Metz, 1993: 12)

Figure 11: Somalia: International Boundaries 1888-1960

MAP DELETED FROM DIGITAL VERSION FOR COPYRIGHT REASONS

(Drysdale, 1964: 24)

Figure 12: Somaliland Conflicts and Conferences: 1990-1997



Appendix 4. Interview Schedule

	Gender	Name	Interview /Group Discussion	Clan	Residence	Conference
1	m	'Aaqil Hassan Mo-hamed 'Dhoolayare'	Bur'o Group Discussion	Habar Je'lo	Bur'o	Bur'o
2	m	'Abdi Idlay Amman	Gabiley Group Discussion			
3	m	'Abdilaahi Yassin	1st & 2nd Group Discussions	Sa'ad Muse	Hargeysa	Bur'o/ Boorame
4	m	'Abdillaahi Aw Daahir (Kulmiye, SNM, doctor)	Bur'o Group Discussion	Habar Yoonis	Bur'o	Beer conference and a Peace Committee chair
5	m	'Abdillaahi Mohamed 'Ali 'Gugunfadhi'	Interview	Dhulbahante	'Eerigaabo	Sanaag
6	m	'Abdillaahi Mohamed 'Abdirahmaan (<i>Gud-doomiye</i> -Chairperson - Habar Awal Bari/East)	Bur'o Group Discussion	Habar Awal	Bur'o	Bur'o
7	m	'Abdirahmaan Aw Ali Farah	2 x Interviews	Gadabuursi	Hargeysa	Bur'o/ Boorame
8	m	'Abdirahmaan Ibrahiin Mohamed 'Abdi Dheere' ('Eerigaabo Police Chief)	Interview	Habar Je'lo	'Eerigaabo	Sanaag
9	f	'Anab Omer Ileeye	Women's Group Discussion	Habar Awal	Hargeysa	Bur'o, Boorame
10	m	Abdisalan Mohamed Jama (Kulmis women's LNGO)	Bur'o Group Discussion		Bur'o	Bur'o
11	m	Abdullahi Habane	Interview	Gadabuursi	Hargeysa	Boorame
12	m	Adan Cawad Ahmed	Interview	Habar Je'lo	'Eerigaabo	Sanaag
13	m	Aden Mohamed Isma'iil (Central Committee, SNM)	Bur'o Group Discussion	Habar Awal	Bur'o	Bur'o
14	m	Ahmed Ali Adami	Interview	Ogayslabe, Warsangeli	Hargeysa	Sanaag
15	m	Ahmed Hashi Diriye (oday)	Bur'o Group Discussion	Habar Awal	Bur'o	Bur'o
16	m	Ahmed Hassan Mohamed	Interview	Dhulbahante	'Eerigaabo	Sanaag
17	m	Ahmed Mohamed 'Siilaanyo'	3 x Interviews	Habar Je'lo	Hargeysa	All
18	m	Ahmed Yassin 'Gabayhadiid'	1st Group Discussion			

19	m	Ali Mohamed Yusuf 'Ali Guray'	Interview & Video Interview	Sa'ad Muse	Hargeysa	Bur'o
20	m	Aw Issa Jama	Gabiley Group Discussion			
21	f	Baar Saeed Faarah	Women's Group Discussion & 1st Group Discussion	Warsangeli	Hargeysa	Sanaag
22	m	Boobe Yuusuf Du'ale	3 x Interviews and personal communications	Sa'ad Muuse	Hargeysa	All
23	m	Deyr Mohamed Elmi (<i>oday</i> associated with SNM)	Bur'o Group Discussion	Habar Yoonis	Bur'o	Bur'o
24	m	Faisal Ali 'Waraabe'	Interview	'Iidagalle	Hargeysa/Finland	Hargeysa
25	m	Garaad Ahmed Mahamuud Barre	Interview & 2nd Group Discussion	Gadabuursi	Boorame	Boorame
26	m	Garaad Saleebaan Afqarshe	1st & 2nd Group Discussions; 3 x interviews; Video Interview	Dhulbahante	Hargeysa	All
27	m	Haaji Abdi Hussein 'Waraabe'	Interview	Garhajis	Hargeysa	Bur'o
28	m	Haaji 'Abdillaahi Ahmed	Bur'o Group Discussion	Habar Je'lo	Bur'o	Bur'o
29	f	Hali Ali Aden (Kulmis women's LNGO)	Bur'o Group Discussion	Habar Je'lo	Bur'o	Bur'o
30	m	Haroon Yusuf	Interview	Habar Yoonis	Hargeysa	Sanaag
31	m	Hassan 'Iise Jama	2x Interviews & Video Interview	Arab	Hargeysa	Bur'o/Boorame
32	m	Hassan Gure	1st Group Discussion			
33	m	Hussein Hassan Musse	Interview	Habar Yoonis	'Eerigaabo	Sanaag
34	m	Hussein Omer Barre	1st Group Discussion			
35	f	Ikraan Haaji Daa'uud	Women's Group Discussion	Gadabuursi	Boorame	
36	m	Isma'iil Ahmed Gaas (' <i>Aaqil</i>)	Bur'o Group Discussion	Habar Je'lo	Bur'o	Bur'o
37	m	Isma'iil Haaji Nuur ('Eerigaabo Mayor)	Interview	Habar Yoonis	'Eerigaabo	Sanaag

38	m	Jama Arab	1st Group Discussion			
39	m	Jama Warsame Jaavaal	Interview	Warsangeli	'Eerigaabo	Sanaag
40	m	Mahamed Ibrahim Hadraawi	Interview	Habar Je'lo	Bur'o	All
41	m	Mahamuud Dirir Hassan	Interview	Habar Yoonis	'Eerigaabo	Sanaag
42	m	Mahamuud Dirir Hassan Hawl	Interview	Habar Yoonis	'Eerigaabo	Sanaag
43	f	Maryan Jama 'Dhuhul'	Women's Group Discussion	Habar Yoonis	'Eerigaabo	Sanaag
44	m	Mohamed Ali Daalin	1st Group Discussion			
45	m	Mohamed Farah Jibril 'Go'dane'	Interview	Habar Je'lo	'Eerigaabo	Sanaag
46	m	Mohamed Kaahin	Interview	Habar Je'lo	Bur'o	Bur'o
47	m	Mohamed Saeed Mohamed 'Gees'	4 x Interviews and personal communication	Warsangeli	Hargeysa	Sanaag
48	m	Mohamed Saleh	Interview	Habar Yoonis	Hargeysa	Boorame
49	m	Musa 'Ali Farur	1st & 2nd Group Discussions	Garhajis	Hargeysa	Bur'o
50	m	Musa Bihi	Interview	Sa'ad Musa	Hargeysa	Bur'o
51	m	Musa Hisbi	1st & 2nd Group Discussions	Habar Awal	Hargeysa	Boorame
52	m	Nur Elmi Samatar	Gabiley Group Discussion			
53	m	Prof Suleiman Ahmed Gulaid	Interview	Gadabuursi	Boorame	Boorame
54	m	Rashid Sheekh 'Abdil-laahi Gadhweyne	1st & 2nd Group Discussions	Habar Yoonis	Hargeysa	Bur'o/ Boorame
55	m	Saeed 'Ali Giir	Interview	Dhulbahante	Hargeysa	Bur'o
56	m	Saeed Mohamed Is-maa'iil 'Bidaar'	Interview	Warsangeli	'Eerigaabo	Sanaag
57	m	Sheekh 'Ali Jowhar	Interview	Gadabuursi	Hargeysa	Boorame
58	m	Sheekh Ahmed Nuh Furre	Interview	Ayuub	Hargeysa	Bur'o/ Boorame
59	f	Shukri Ahmed Waraabe	Women's Group Discussion	'Ilse	Seyla'	Bur'o/ Boorame

60	f	Shukri Haaji Bandare	Women's Group Discussion	Habar Yoonis	Hargeysa	Bur'o
61	f	Shukri Hariir Isma'iil	1st & Women's Group Discussions	Arab	Hargeysa	Bur'o/ Boorame
62	f	Siraad Haaji Abdi	Women's Group Discussion	Warsangeli	'Eerigaabo	Sanaag
63	m	Yusuf Esa 'Talaabo'	2 x Interviews	Habar Yoonis	Hargeysa	Sanaag
64	m	Yusuf Mohamed Ali 'Tuke'	Interview	Habar Je'lo	Hargeysa	Sanaag
65	m	Yusuf Shaa'ir	1st & 2nd Group Discussions	Habar Je'lo	Hargeysa	Bur'o

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